

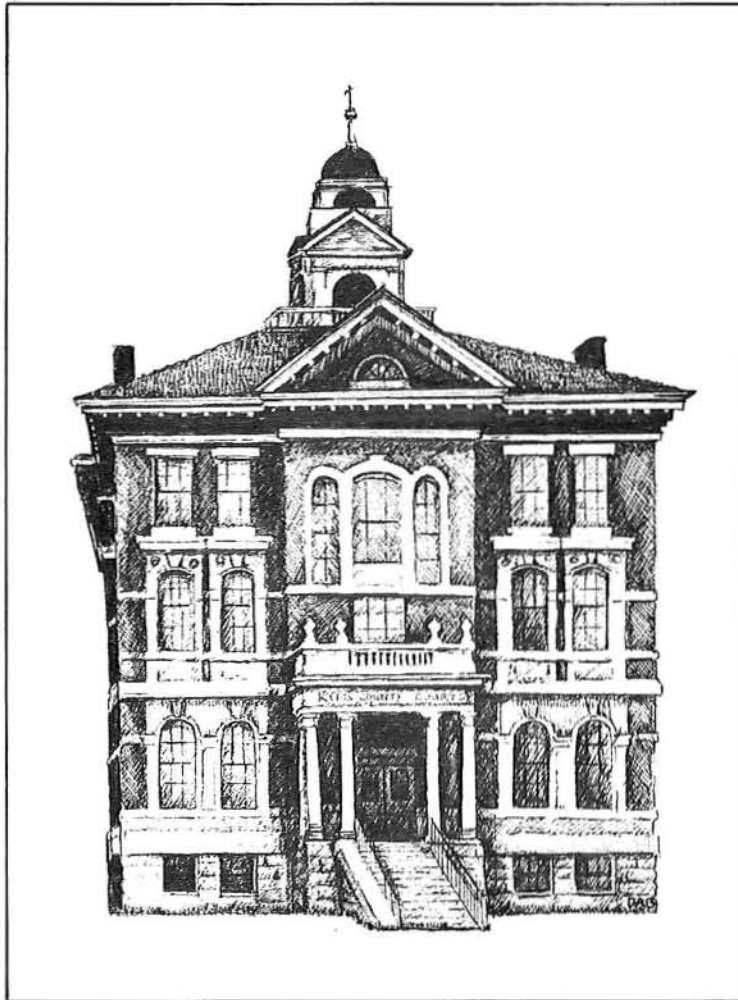
# MAINE STATE LEGISLATURE

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# State of Maine Judicial Department



**1983  
Annual Report  
Executive Summary**



STATE OF MAINE  
JUDICIAL DEPARTMENT

1983

ANNUAL REPORT  
EXECUTIVE SUMMARY

Published by:

Administrative Office of the Courts  
66 Pearl Street  
P.O. Box 4820, D.T.S.  
Portland, Maine 04112

Cover illustration of  
Knox County Courthouse,  
Rockland, Maine  
by:  
Deborah A. Bray



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Dana R. Baggett  
State Court Administrator

April 12, 1984

The Honorable Vincent L. McKusick  
Chief Justice of the Supreme Judicial Court

The Honorable Joseph E. Brennan  
Governor

Ladies and Gentlemen of the  
111th Legislature

It is my privilege and pleasure to transmit the Eighth Annual Report of the Judicial Department.

The report documents the significant workload of the Maine State court system during 1983. Over 245,000 filings were recorded in our 51 courts throughout the state, involving over 300,000 people. Some matters involved crimes while other cases involved amicable settlements of small claims. To the individuals involved, all of these matters were important and serious. It occurs to me that no other agency of government serves a greater number of its citizens with a staff of less than 330 people and a budget about 1 1/2 percent of total general fund expenditures.

This department provides judicial services to the citizens of Maine by reason of its many dedicated employees, both on the bench and behind the scenes. Rooted in the communities where they work, court employees are hardly anonymous, faceless bureaucrats. They are real people, coming in contact daily with citizens in need of assistance from their courts. This report documents their considerable efforts in 1983.

The format this year differs from previous editions. The text of the report is provided as an Executive Summary. It is rich in detail about the activities of the various state courts without burdening the reader with a surfeit of data. The more serious students and researchers may want to obtain a copy of the companion Statistical Supplement to this report that contains all the statistics. Your comments on this revised format are most welcome.

This publication is the collaborative effort of many people. The data are recorded and reported by clerks of court and their assistants across the state. These data are compiled and edited in the Administrative Office of the Courts by Debra Oiken who labored for weeks overseeing the production of this document. Fran Norton again typed the report, both text and tables. Many others helped along the way. To all of them, thank you.

Sincerely,



Dana R. Baggett  
State Court Administrator



ANNUAL REPORT  
EXECUTIVE SUMMARY  
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**"THE STATE OF THE JUDICIARY"**

**A Report to the Joint Convention  
of the 111th Maine Legislature  
(Second Regular Session)**

**January 26, 1984**

**By Chief Justice Vincent L. McKusick**



"THE STATE OF THE JUDICIARY"

A Report to the Joint Convention  
of the 111th Maine Legislature

By Chief Justice Vincent L. McKusick

January 26, 1984

I much appreciate your invitation to report a second time to this 111th Legislature. Joining me here today are my judicial colleagues who share with me responsibility for supervising the operations of the Third Branch--my fellow members of the Supreme Judicial Court, which I like to call the Board of Directors of the Judicial Department, and Chief Justice Clifford of the Superior Court and Chief Judge Devine of the District Court. I bring you greetings, and regrets, from Justice Violette and Justice Glassman. He is today undergoing a routine surgical procedure at Cary Medical Center in Caribou. Justice Glassman is the victim of a fall on the ice Tuesday evening.

The invitation that your leaders have extended to us, and our grateful acceptance of this opportunity to report to you, demonstrate the realization by us both that cooperation between our two great branches of state government is essential if the constitutional mandate of each branch is to be fully carried out. The fair and efficient administration of justice will come only through that cooperation between the Legislature and the Judiciary.

You have, or will have, before you two pieces of proposed legislation that well illustrate the healthy potential of such cooperation, each in its own special way. The first is the recommendation of the Advisory Committee on Collective Bargaining for Judicial Department Employees. That Advisory Committee, chaired by Dean James Carignan of Bates College, with balanced membership representing both sides of public employment labor relations, was appointed by the Supreme Judicial Court under your authorization of a year ago. That Advisory Committee recommends that you of the Legislature enact a statute, and that at the same time the Court issue an administrative order, establishing in identical parallel fashion the right of judicial employees to bargain collectively. The Court stands ready to do its part in this cooperative effort.

A second example of proposed cooperative action comes from the report of your Commission on Local Land Use Violations. That Commission, chaired by Senator Trafton, recommends 1) that you confer additional jurisdiction upon the District Court to enforce compliance with land use laws by equitable orders of abatement and 2) that the Supreme Judicial Court by rule prescribe a streamlined procedure for the District Court in such cases sim-

ilar to that used for civil traffic infractions. Of course, I have no right to intrude upon your deliberations on the legislative wisdom of the proposed statute; but, I assure you that if you do enact it, the Supreme Judicial Court will do its part in promulgating an implementing rule. Senator Trafton's Commission has prepared a draft of such a rule. That will give the Court and its Advisory Committee on Civil Rules a head start on the rulemaking job.

The cooperation represented by the proposed joint efforts on judicial employee collective bargaining and on land use violations continues the long tradition of the Maine Judiciary and the Maine Legislature working together to improve the court system and law enforcement.

In reporting to you at your first regular session, I took a look back over the preceding five years, making a wide-sweeping review of developments in Maine's courts. This time I propose a less comprehensive report and one limited in time to the year 1983. I will try to hit the high spots.

First, the Law Court--the name historically applied to the Supreme Judicial Court when it sits to hear appeals. The new system for workers' compensation appeals, set up two years ago, is working as intended. An appeal from a single commissioner's decision now goes first to an Appellate Division consisting of two or more of the other commissioners; then, the losing party before that Appellate Division can get a full hearing in the Law Court only with the court's permission. Only about one third of the appeals from hearing commissioners' decisions are being taken beyond the Appellate Division. That Division is thus performing a valuable screening function; and also the commissioners sitting as the Appellate Division can develop a coordinated approach to questions of workers' compensation law, before those questions come to the Law Court. The whole appellate process is thereby improved.

Even with the reduced number of workers' compensation appeals reaching the Law Court, the filings in the Law Court remain at an annual level of about 500 cases. The steady increase in other categories of civil and criminal appeals has taken up the slack. We are proud to report that we remain abreast of our heavy workload.

Now let us turn to the trial courts. As of January 1st the Superior Court has a Chief Justice, authorized by you last year. Chief Justice Clifford has undertaken the added responsibilities of administrative leadership of that busy court with enthusiasm and effectiveness. As of January 1st, I also reappointed for another three-year term Chief Judge Devine of the District Court, who has again designated Judge Alan Pease as his deputy. It is a tribute to Chief Judge Devine, and his predecessor, Chief

Judge Nicholas Danton, that when we reorganized the Superior Court's administrative structure we modeled the new arrangement exactly upon that of the District Court. I am now relieved of many details in the administration of the Superior Court, as I have been in the District Court, and so can concentrate on coordinating the operations of the several courts.

In 1983 we found particularly useful the flexibility the Legislature has given us over the years to assign trial judges to sit in other courts than their own. As just one example, under the new law of last year that permits me to assign the two Administrative Court Judges to sit in the Superior Court, as well as in the District Court, they have during the last six months of 1983 devoted one judge week per month to hearing contested divorces and other nonjury matters in the Superior Court in Cumberland County. At the same time, they have continued to sit in the District Court for two judge weeks per month.

Our widely praised in-court mediation service continues to be a success story. In March, I issued an administrative order making mediation available in family law cases at all Superior and District Court locations statewide. Mediation can be used for some or all of the child custody and property issues in a divorce case. Although our administrative order requires the attorneys and the judge to explore with the parties the suitability of mediation in their divorce case, going to mediation remains a matter of choice by the parties, and any issue is resolved in mediation only by mutual agreement. An average of 50 divorce cases per month were mediated during the period May through December, 1983. Even though we foresee a further increase this year, the number remains too small to provide any significant relief to our trial courts, faced with 7,500 divorce cases a year. However, mediation is a valuable adjunct to our usual adjudicatory processes. Where appropriate, it produces a better brand of justice. Because of the voluntary feature of mediation, court orders entered on mediated settlements (whether in family law, small claims, or other civil matters) later meet with a higher level of compliance than do orders entered after adversary court proceedings.

We can report with satisfaction that the District and Superior Courts are successfully implementing the Single Trial Law, now in effect for two full years. In the two years 1982 and 1983, about 158,000 Class D and E and traffic criminal cases were commenced in the District Court. All of those 158,000 cases potentially could have had a jury demand, requiring transfer to the Superior Court for trial. However, our fear that the Superior Court might be swamped by defendants transferring to gain time has proved unfounded. In fact, the number of cases transferred for trial to the Superior Court in the two years that the Single Trial Law has been in effect was actually slightly fewer than the

total number of transfers and appeals to the Superior Court during the last two years under the old law, when both transfers and appeals were entitled to a full trial in the Superior Court. We will continue to watch the situation closely, but the message apparently is out that transfer to the Superior Court merely for delay does not work.

I now turn to a subject that any report on the courts must address to be complete. I want to identify for you some of the most pressing of the needs faced by the Maine courts.

Last year I reported that "very soon we will need additional judges," and I assured you that we would, before the convening of this second regular session, quantify our need as precisely as the nature of the question permits. That has now been done by our Judicial Policy Committee, chaired by Justice Roberts. For the past 11 years, the Superior Court has had only fourteen judges. We now ask for three additional judges for that court. The Superior Court's pending caseload has steadily grown until it is now over 17,000 cases--some 80% higher than in 1973. This growing backlog exists despite the fact that each Superior Court Justice is disposing of more than 1,100 cases a year--nationally rated a high level of productivity. These figures simply reflect the litigation explosion that has now reached Maine. In the past 11 years, civil litigation has become more complex--often involving multiple parties with multiple counsel, and often brought under statutes that did not even exist prior to 1973, for example, the Consumer Credit Code, the strict liability statute, and the tort claims act. Both civil and criminal motions are filed with much more frequency than was the case 11 years ago, aided by the routine use of word processors in lawyers' offices. Facing the same phenomenon, the legislature in New Hampshire has authorized the addition of ten more Superior Court judges over the next three years.

Justice Roberts' report also documents the need for three additional District Court judges. In 1973 the District Court had 20 judges, and the only addition since then has been the one judge authorized two years ago. In that eleven-year period, major additions have been made to the District Court's responsibilities. For instance, the Protection from Family Abuse statute was enacted in 1979, and in the year 1983 that statute generated over 2,100 cases, sensitive cases demanding much judge attention. The rules to implement the Single Trial Law require all pretrial motions to be filed, heard, and decided in the District Court before a criminal case with a jury demand is transferred to the Superior Court for trial. In addition, as I mentioned earlier, the Commission on Local Land Use Violations proposes an equity-type enforcement procedure in the District Court, recommended in preference to creating a statewide system of land use hearing examiners; that proposed law will increase the work-

load of that court, perhaps substantially. The caseload of the District Court has already increased by well over one third in the past 11 years. In the same period, the cases heard by the District Court have become more complex--for example, proceedings to terminate parental rights, mortgage foreclosure, custody and marital property issues in divorce.

By any measure, Maine has a remarkably small judiciary. The requested increases in the Superior and District Courts are modest in light of the documented need. We trust you will give our request your favorable consideration.

We are also in critical need of additional personnel in our clerks' offices. In the District Court this clerk shortage has become particularly acute since the Single Trial Law went into effect on January 1, 1982. To implement that law, all arraignments and all pretrial motion hearings in transfer cases have to be recorded. This means that clerical personnel are taken from their office and put into the courtroom to monitor the recording of proceedings there. As a consequence, the remaining office staff work under even more pressure to accomplish their increasing workload in timely fashion. Under these pressures, some of our best clerks of court have resigned or taken early retirement. In the Superior Court, the expanded caseload and growing complexity of litigation and motion practice also necessitates additional clerical personnel. We are very proud of the men and women who staff the clerks' offices at our 50 trial court locations. They work very hard and productively. But they cannot be expected to carry their steadily growing burden without adequate help.

Now I turn to another great need of our courts: facilities. I was asked recently how many state courts operate in buildings constructed with state bond issues. The answer is none. If I asked you how many of our 50 trial court locations are housed in facilities constructed with any kind of state funds, how many would you say? The answer is one. Only the Augusta District Court is located in a state-owned facility, constructed 14 years ago by a direct appropriation. It is one of our better buildings.

The State became responsible for all of our state courts on January 1, 1976. Yet, in spite of our joint efforts, the public remains poorly served by court facilities in several locations.

The District Court system leases space in 32 cities and towns. Twenty-seven of those facilities are owned by county or municipal governments; five, by private owners. Our state Superior Court and the Supreme Judicial Court continue to operate entirely in county facilities for which, under the 1975 statute, the State pays no rent. So, it is clear that our state court system remains almost completely dependent on facilities provided by other governmental units or by private landlords.



Our court facilities should promote respect for the laws that are fashioned in this splendid State House. Unfortunately, many do not.

Our top priority is to improve our court facilities in Portland. That is by far the largest and busiest location for both the Superior Court and the District Court. Both are crammed into the Cumberland County Courthouse. That is a magnificent structure, built 75 years ago and well maintained by the Cumberland County Commissioners. But it is far too small to meet today's demands.

The District Court in Portland should have four courtrooms to handle the approximately 40,000 cases filed each year from the twelve communities it serves. It needs to triple its space in order to serve the public adequately. The Superior Court needs, by conservative standards, to increase its space by more than 50 percent for proper functioning. It will cost in excess of \$5 million to build an addition to the courthouse to provide these essential facilities.

Meanwhile, the consequences in the Portland District Court are serious inconvenience to the public and added delay to the judicial process. The Superior Court in Cumberland County now has a pending caseload of over 4,200 cases, an increase of over 40 percent since 1978. The average civil case there takes more than 575 days from filing to disposition because of the shortage of courtrooms and the necessary priority given to criminal cases.

Also, we must give high priority to obtaining a new judicial facility to serve the Bath-Brunswick area. There, we contemplate a building that will enable the present District Court operations in both communities to be consolidated. Such a building can also accommodate the Superior Court for Sagadahoc County and serve eastern Cumberland as well. Such a building can be constructed for about \$1 million.

We in the Judicial Department look to your collective wisdom to decide how to fund these urgent building needs for the courts. Should it be by bond issue, or should it be by direct appropriation, or by a combination? We have failed in the past to find a solution to these questions, but we must not let that cause us to stick our heads in the sand. Every year, the situation gets worse, and more expensive to correct.

Before closing, I offer some general observations.

The courts always have rendered essential social service, not merely public service, but essential social service. The courts were among the first social service agencies, long be-

fore the Department of Human Services was conceived of and indeed long before most of its functions were seen as appropriate for government to perform. The trial and punishment of crime and the resolution of civil disputes have been, from the earliest days of civilization, of utmost importance to a safe and harmonious society. The courts have long since become so much an established part of a civilized society that it is all too easy for us to take them for granted. We can no longer afford to do so. The courts must have sufficient judges and support staff, and they must be given adequate facilities and technological tools to enable them to do their jobs. Failure to do so will jeopardize the very fabric of our society.

Courts will never win a popularity contest. Every day judges are called on to make tough decisions. At times those tough decisions, though made in keeping with constitutional and statutory standards, cause frustration and even hostility toward the judiciary among some of the public. Furthermore, going to court is always a painful experience, even for the party who seemingly prevails. Judge Learned Hand, who spent most of his adult life in the courts, once said that he would view his own involvement as a litigant as a personal disaster. However much it was a mistake for us to lump court building needs into an omnibus bond issue last fall and however much we in positions of public responsibility failed in making our case for court facilities before the electorate, both then and three years before, the simple fact is that the courts have no natural constituency. The courts can only appeal to the intelligence and the fair-mindedness of Maine citizens.

These remarks lead me to my final observation. Ever since my father served in both the House and the Senate starting 43 years ago this month, the Maine Legislature has been to me a very special institution--a place where men and women of all callings, including farmers like my father, come together to make laws to advance the best interests of our beloved State of Maine. From my acquaintance with you individually and as an organized group, I know that you recognize the essential social service that Maine courts perform. I know that you are every one committed to doing what is right as you see it in carrying out your lawmaking responsibilities. I know that you will do your very best to give us in the courts the tools that we need. No one can ask more.



COURT STRUCTURE

COURT CASELOAD

COURT MEDIATION SERVICE

COURT ADMINISTRATION

ADMINISTRATIVE OFFICE OF THE COURTS

LEGISLATIVE AND RULE HIGHLIGHTS

COMMITTEES OF THE JUDICIAL DEPARTMENT

MAINE JUDICIAL COUNCIL



## COURT STRUCTURE

### HISTORY

Until separation in 1820, Maine was a part of Massachusetts and therefore included in the Massachusetts court system. However, in 1820, Article VI, Section 1, of the new Maine Constitution established the judicial branch of government stating: "The judicial power of the State shall be vested in a Supreme Judicial Court, and such other courts as the Legislature shall from time to time establish". From the start of statehood, the Supreme Judicial Court was both a trial court and an appellate court or "Law Court". The new State of Maine also adopted the same lower court structure as existed in Massachusetts, and the court system remained unchanged until 1852. The Probate Courts were created in 1820 as county-based courts and have remained so to date.

The Court Reorganization Act of 1852 increased the jurisdiction of the Supreme Judicial Court to encompass virtually every type of case, increased the number of justices and authorized the justices to travel in circuits.

The next major change in the system came in 1929, when the Legislature created the statewide Superior Court to relieve the overburdened Supreme Judicial Court. Meanwhile, the lower courts continued to operate much as they always had until 1961 when the municipal courts and the trial justices system was abolished and the new District Court created. The most recent change to the Maine Judicial System occurred in 1978 with the addition of the Administrative Court.

### SUPREME JUDICIAL COURT AND LAW COURT

The Supreme Judicial Court is the governing body of the Judicial Department, and as the Law Court is the court of final appeal. The Law Court hears appeals of civil and criminal cases from the Superior Court, appeals from all final judgments, orders and decrees of the Probate Court, appeals of decisions of the Public Utilities Commission and the Workers Compensation Commission's Appellate Division, interlocutory criminal appeals and appeals of decisions of a single justice of the Supreme Judicial Court. A justice of the Supreme Judicial Court has jurisdiction to hear non-jury civil actions, except divorce or annulment of marriage, and can be assigned by the chief justice to hear Superior Court cases in general, including post-conviction matters. In addition, single justices handle both admission to the bar and bar disciplinary proceedings. The justices of the Supreme Judicial Court make decisions regarding legislative apportionment and render advisory opinions concerning important questions of law on solemn occasions when requested by the governor, Senate or House of Representatives. Three members of the Supreme Judicial Court serve as the Appellate Division for the review of criminal sentences of one year or more.

By statute, the chief justice is head of the Judicial Department, and the Supreme Judicial Court has general administrative and supervisory authority over the Judicial Department.

The Supreme Judicial Court has seven members: the chief justice and six associate justices. The justices are appointed by the governor for seven year terms, with the consent of the legislature. The Court determines the number, time and place of its terms depending on the volume of cases. The Court sits in Portland four times a year and in Bangor twice a year. These terms run from two to three weeks, covering 50 to 60 cases.

Upon retirement, a Supreme Judicial Court justice may be appointed an active retired justice by the governor for a seven year term, with the consent of the legislature. On assignment by the chief justice, an active retired justice has the same authority as an active justice. There are three active retired justices on the Supreme Judicial Court.

## SUPERIOR COURT

The Superior Court was created by the legislature in 1929 as Maine's trial court of general jurisdiction. The court has original jurisdiction over all matters (either exclusively or concurrently with other courts) that are not within the jurisdiction of the Supreme Judicial Court sitting as the Law Court or within the exclusive jurisdiction of the District Court. This is the only court in which civil and criminal jury trials are held. In addition, justices of this court hear appeals on questions of law from the District Court and from the Administrative Court.

There are 14 justices of the Superior Court who hold sessions of the Court in each of the 16 counties. The justices are appointed by the governor for seven year terms, with the consent of the legislature. For administrative purposes, the State had been divided into three regions, with the chief justice appointing a regional presiding justice for each region. However, during 1983, legislation was enacted which eliminated the regional presiding justice positions and created the position of a single chief justice for the Superior Court, effective January 1, 1984.

Upon retirement, a Superior Court justice may be appointed an active retired justice by the governor for a seven year term, with the consent of the legislature. On assignment by the Superior Court chief justice, an active retired justice has the same authority as an active justice. There is one active retired justice in the Superior Court.

## DISTRICT COURT

The District Court was created by the legislature in 1961 as Maine's court of limited jurisdiction. The Court has original jurisdiction in non-felony criminal cases, traffic infractions and civil violations, can accept guilty pleas in felony cases and conducts probable cause hearings in felony cases. The Court has concurrent jurisdiction with the Superior Court in divorce cases and non-equitable civil cases involving not more than \$30,000, and also may grant equitable relief in cases of unfair trade practices. The District Court is the small claims court (for cases involving not more than \$1000) and the juvenile court. In addition, the Court hears mental health, forcible entry and detainer, quiet title and foreclosure cases. It is the only court available for the enforcement of money judgments.

There are 21 judges of the District Court; the chief judge, who is designated by the chief justice of the Supreme Judicial Court, six judges-at-large who serve throughout the state, and 14 resident judges who sit within the 13 districts of the court. The judges are appointed by the governor for seven year terms, with the consent of the legislature. On assignment by the chief justice of the Supreme Judicial Court, District Court judges may also sit in the Superior Court.

Upon retirement, a District Court judge may be appointed an active retired judge by the governor for a seven year term, with the consent of the legislature. On assignment by the chief judge, an active retired judge has the same authority as an active judge. There are six active retired judges in the District Court.

## ADMINISTRATIVE COURT

The Administrative Court was created by the legislature in 1973 and became a part of the Judicial Department on July 1, 1978. Prior thereto the Administrative Court had jurisdiction over suspension and revocation of licenses by a specific list of executive agencies. Effective July 1, 1978, the legislature substantially expanded the jurisdiction of the Administrative Court. Other than in emergency situations, the Administrative Court was granted exclusive

Jurisdiction upon complaint of an agency or, if the licensing agency falls or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency, and original jurisdiction upon complaint of a licensing agency to determine whether renewal or issuance of a license of that agency may be refused. Effective in 1983, the Administrative Court also has exclusive jurisdiction to hear appeals from disciplinary decisions of the Real Estate Commission.

There are two judges of the Administrative Court; the Administrative Court judge and the Associate Administrative Court judge. The judges must be lawyers and are appointed by the governor for seven year terms, with the consent of the legislature. On assignment by the chief justice of the Supreme Judicial Court, Administrative Court judges may also sit in the District Court and in the Superior Court.

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## COURT CASELOAD

### OVERVIEW

Caseloads throughout Maine's state court system have undergone significant changes during the past several years. There are characteristic differences in 1983 court caseload compared to that of the 1970's, but these changes are difficult to quantify. For instance, statistics cannot demonstrate the degree to which civil litigation has become increasingly complex, a belief shared by judges and attorneys alike. It is often impossible to document the actual impact of new laws affecting procedures in current cases, as well as legislation creating brand new types of cases. The number of Maine attorneys has risen by 65% since 1974, and the number of attorneys in the State Attorney General's and District Attorneys' offices has increased by 131% and 61% respectively since 1973, all of which are evidence of the greater litigiousness of today's society.

Nonetheless, the following statistical analyses should provide one with an understanding of the composition and status of the state court caseload. These statistics are the product of the manual and computerized statistical reporting systems operating in each of the four state courts. More detailed figures are published in the version of this Annual Report containing the statistical supplement, which is available upon request to the Administrative Office of the Courts.

### SUPREME JUDICIAL COURT (LAW COURT)

The Supreme Judicial Court (Law Court), Maine's highest court and the court of final appeal, has experienced over an 80% increase in incoming filings since 1976, rising from the 269 filings reported during that year to 486 filings in 1983. The Court has demonstrated its ability to meet this increased demand by disposing of more than twice the number of cases in 1983 than in 1976. The 480 dispositions occurring in 1983 were comprised of six types of cases:

	<u>Number of Cases</u>	<u>Percent of Total</u>	<u>Number of Written Opin- ions Published</u>	<u>Percent of Total</u>
Criminal	144	30.0	105	36.4
Public Utilities Commission	5	1.0	4	1.4
Workers Compensation	42	8.8	4	1.4
Other Administrative Proceedings	48	10.0	35	12.2
All Other Civil	214	44.6	132	45.8
Discretionary Appeals	27	5.6	8	2.8
TOTAL	480	100.0	288	100.0



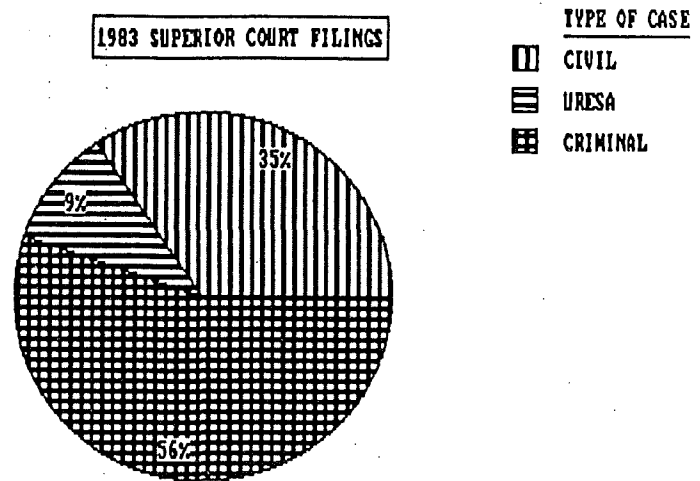
The total time from notice of appeal to decision averages approximately nine and one-half months, broken down as follows:

	<u>Average Number of Days</u>
Notice of Appeal to Completion of Record (clerk and court reporter-time)	70.5
Completion of Record to Completion of Briefing (attorney-time)	83.7
Completion of Briefing to Oral Argument (scheduling lag and pre-argument preparation)	60.3
Oral Argument to Disposition (Judicial-time)	74.1

Three justices serve as the Appellate Division to review criminal sentences of one year or more. During the last four years there have been about 50 cases filed in this Division each year. In 1983, there were 48 cases disposed, of which 2 were withdrawn, 12 were dismissed, 31 were denied, and 3 resulted in reduced sentences.

SUPERIOR COURT

The Superior Court serves as Maine's trial court of general jurisdiction. Its statistics represent the most complete court data collection system in the state, allowing for very detailed caseload analysis. 1983 marks the first time in recent history that dispositions have exceeded filings, resulting in an actual decrease in pending caseload, as evidenced on Table A, page 39. Over half of the 16,647 cases filed in the Superior Court during 1983 were criminal cases, while civil and URESA (Uniform Reciprocal Enforcement of Support Act) cases accounted for 35% and 9% respectively. (See Table B, page 40).



Statewide, 1983 is the second consecutive year in which civil dispositions exceeded civil filings. This appears to be largely the result of filings decreasing over the past two years while the number of cases disposed remained remarkably stable. There were a total of 6100 civil dispositions in 1983, of which over 45% were dismissed upon agreement of the parties. An additional 13% were dismissed by the court after two years of inaction. The 207 civil jury trials held in 1983 accounted for about 3% of all dispositions. Each Superior Court location reported that civil cases required an average of over one year to reach disposition, ranging from 375 days in Lincoln to more than 600 days in Cumberland, Waldo and Washington. When reviewing similar figures for only those cases proceeding to jury trial, the averages were much higher. In 1983, it took an average of over two and one-half years for a civil case to be tried by a jury, but it should be noted that the timeframe from filing to pre-trial memorandum required over one year. The latter is a stage of civil case processing over which the courts have little control.

The filing of URESA cases in the Superior Court rose slightly since 1982 but still represents a significant decline from levels in previous years. Nonetheless, URESA pending caseload has continued to rise due to decreased disposition rates.

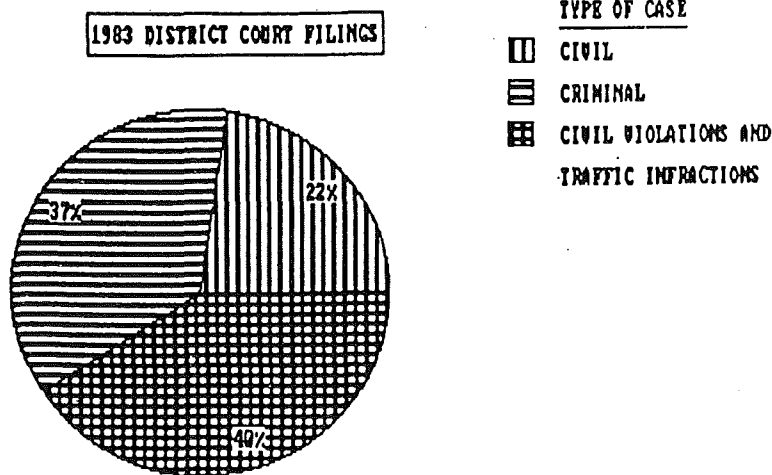
The number of criminal filings has stabilized since 1982, but dispositions reached an all-time high of 9289 in 1983, resulting in a 33-case decline in pending caseload. The composition of the criminal caseload has changed during the past few years, as evidenced by the increase in the number of transfers and the corresponding decrease in appeals from the District Court. This has been largely the result of the implementation after January 1, 1982 of the so-called "single trial law" which provided that in Class D and E proceedings, the defendant may waive his right to jury trial and elect to be tried in the District Court, in which case an appeal to the Superior Court following trial and conviction in the District Court can be only on questions of law.

The rate of transfers varied markedly throughout the state, ranging from 33.6% of Penobscot's criminal caseload to over 60% of the criminal caseloads in Franklin, Knox, Lincoln and Sagadahoc. Cases involving murder, Class A, Class B and Class C crimes (generally called felonies) constituted 34% of the state's criminal caseload.

There were a total of 9522 defendant-cases disposed during 1983. Defendants were convicted in 55.6% of all cases, while dismissals by either the court or the District Attorney accounted for 33.7% of all dispositions. Of the 5294 convictions, over 90% were by plea of guilty. There were 405 criminal jury trials during 1983, which represented about 4% of all criminal case dispositions. Indictments took an average of about 7 months to reach a jury trial, ranging from about 4 months in Hancock to 13 months in Waldo. Six and one-half months was the average timeframe for transfers to reach jury trial, ranging from 3.9 months in York to over 13 months in Hancock.

DISTRICT COURT

District Court caseload has fluctuated considerably over the past five years. Filings were recorded as 235,386 in 1979, gradually dropped to a low of 215,471 in 1982, and rose to 227,920 during 1983. Small claims cases have risen dramatically in recent years, while civil violations and traffic infractions continue to comprise a large portion of the District Court's total caseload. (See Table C, page 41). Case filings ranged from less than 2,000 cases in Fort Kent, Madawaska, Van Buren, Bar Harbor and Livermore Falls to 44,344 in Portland. (See Table D, page 42). The District Court's Electronic Recording Division reports that there were 7298 recordings made during 1983, a 22.5% increase over 1982.



ADMINISTRATIVE COURT

The Administrative Court has jurisdiction over the suspension and revocation of administrative agency licenses. During the early 1980's, this court's caseload consistently decreased, but in 1983, the 349 filings marked a return to the 1979 caseload level. Of the 320 cases disposed by the Administrative Court, over 90% (290) were Bureau of Liquor Enforcement cases, 13 were Harness Racing Commission cases, and the balance concerned other miscellaneous agencies. In addition to their own caseload, the two Administrative Court judges devoted about two weeks each month to assist the trial courts, by conducting 903 hearings for the District Court and 48 hearings for the Superior Court during 1983.

\*\*\*\*\*

COURT MEDIATION SERVICE

The Court Mediation Service provides an alternative method of resolving disputes by enabling the contesting parties to participate in reaching a settlement. The Service was initiated in 1977 as an experiment to accelerate the resolution of small claims cases. Since that time, the mediators' caseload has been expanded to include landlord-tenant, disclosure, and domestic cases, resulting in the resolution of thousands of cases which otherwise would have required the use of more costly judicial resources.

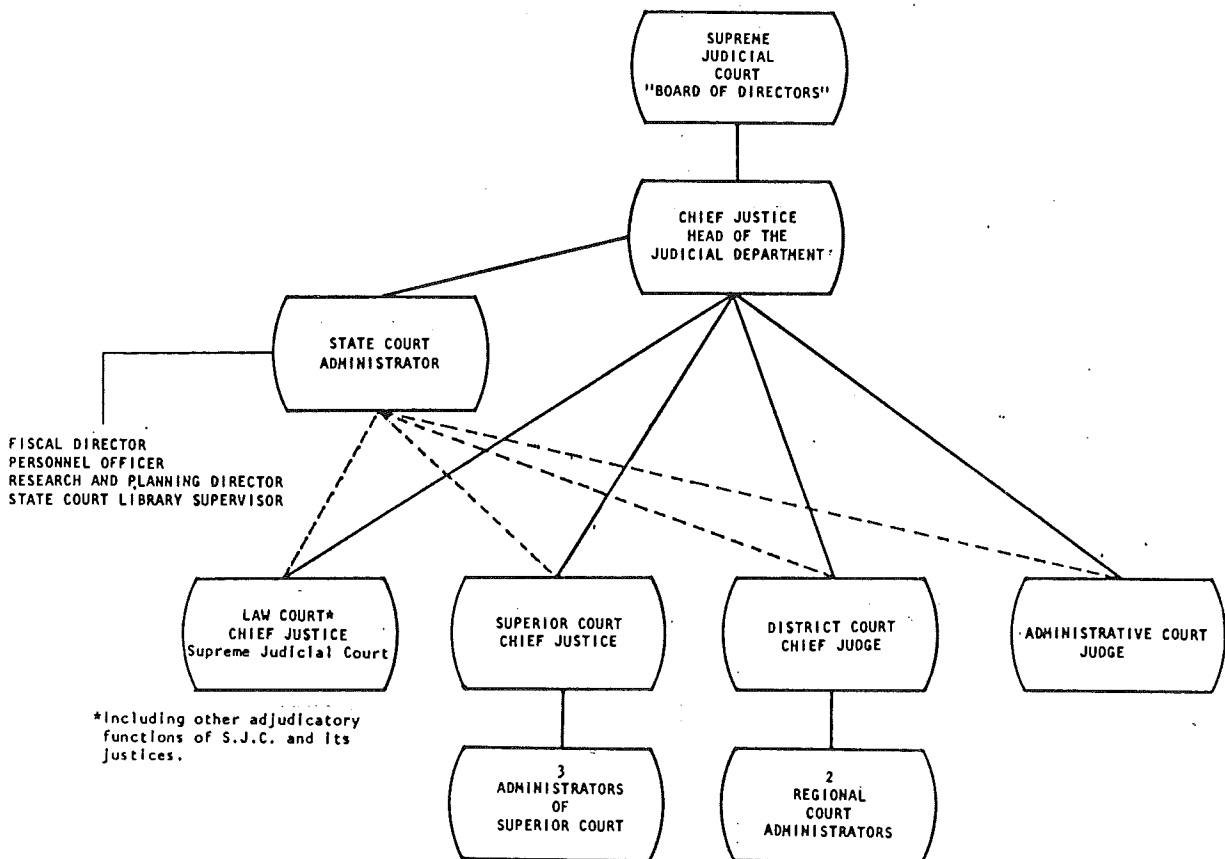
During 1983, a total of 1230 cases were mediated. This figure includes 350 domestic cases (divorce and child custody) and 880 non-domestic cases, the latter of which reflects small claims, landlord-tenant, and disclosure cases. The dispositions of mediated cases are as follows:

	<u>Resolved by Mediator</u>	<u>Referred to Judge</u>	<u>Other</u>	<u>Total</u>
District Court				
Domestic	143	43	95	281
Non-Domestic	<u>534</u>	<u>256</u>	<u>89</u>	<u>879</u>
Sub-Total	677	299	184	1160
Superior Court				
Domestic	30	10	29	69
Non-Domestic	<u>1</u>	<u>-</u>	<u>-</u>	<u>1</u>
Sub-Total	31	10	29	70
All Courts				
Domestic	173	53	124	350
Non-Domestic	<u>535</u>	<u>256</u>	<u>89</u>	<u>880</u>
TOTAL	708	309	213	1230

COURT ADMINISTRATION

The administrative structure of the Maine Judicial Department is similar to that of a corporation. The Supreme Judicial Court serves as the Department's "board of directors" and by statute has general administrative and supervisory authority over the Department. This authority is exercised by promulgating rules, issuing administrative orders, establishing policies and procedures, and generally advising the chief justice. The chief justice is designated as head of the Judicial Department and is assisted by the state court administrator. Each of the four operating courts has a single administrative head, responsible to the chief justice, who also heads the Law Court. There is a chief justice of the Superior Court, a chief judge of the District Court and a chief judge of the Administrative Court. The position of Superior Court chief justice actually became effective on January 1, 1984, but this new administrative structure was gradually implemented during the latter half of 1983. Prior to that time, the Superior Court was administered by three regional presiding justices. The chiefs in the Superior Court and District Court are assisted by three court administrators and two court administrators respectively. The chiefs and the administrators meet at least every other month to address administrative policy issues, although each court's chief meets with his respective administrators on a more frequent basis.

STATE OF MAINE  
JUDICIAL DEPARTMENT MANAGEMENT STRUCTURE



## ADMINISTRATIVE OFFICE OF THE COURTS

### OVERVIEW

The Administrative Office of the Courts was created in 1975. The office is directed by the state court administrator who is appointed by and serves at the pleasure of the chief justice. The Administrative Office staff is appointed by the state court administrator with the approval of the chief justice, and includes the following positions:

- Accountant
- Accounting Clerks (2)
- Assistant Accountant
- Fiscal Director
- Personnel Officer
- Research and Planning Director
- Secretaries (2)
- State Court Library Supervisor

Pursuant to 4 M.R.S.A. § 17, the state court administrator's responsibilities are as follows:

1. **Continuous survey and study.** Carry on a continuous survey and study of the organization, operation, condition of business, practice and procedure of the Judicial Department and make recommendations to the Chief Justice concerning the number of judges and other judicial personnel required for the efficient administration of justice. Assist in long and short range planning;
2. **Examine the status of dockets.** Examine the status of dockets of all courts so as to determine cases and other judicial business that have been unduly delayed. From such reports, the administrator shall indicate which courts are in need of additional judicial personnel and make recommendations to the Chief Justice and to the Chief Judge of the District Court concerning the assignment or reassignment of personnel to courts that are in need of such personnel. The administrator shall also carry out the directives of the Chief Justice as to the assignment of personnel in these instances;
3. **Investigate complaints.** Investigate complaints with respect to the operation of the courts;
4. **Examine statistical systems.** Examine the statistical systems of the courts and make recommendations for a uniform system of judicial statistics. The administrator shall also collect and analyze statistical and other data relating to the business of the courts;

5. **Prescribe uniform administrative and business methods, etc.** Prescribe uniform administrative and business methods, systems, forms, docketing and records to be used in the Supreme Judicial Court, in the Superior Court and, with the written approval of the Chief Judge of the District Court, in the District Court;
6. **Implement standards and policies set by the Chief Justice.** Implement standards and policies set by the Chief Justice regarding hours of court, the assignment of term parts and Justices;
7. **Act as fiscal officer.** Act as fiscal officer of the courts and in so doing:
  - a. Maintain fiscal controls and accounts of funds appropriated for the Judicial Department;
  - b. Prepare all requisitions for the payment of state moneys appropriated for the maintenance and operation of the Judicial Department;
  - c. Prepare budget estimates of state appropriations necessary for the maintenance and operation of the Judicial Department and make recommendations with respect thereto;
  - d. Collect statistical and other data and make reports to the Chief Justice and to the Chief Judge of the District Court relating to the expenditures of public moneys for the maintenance and operation of the Judicial Department;
  - e. Develop a uniform set of accounting and budgetary accounts for the Supreme Judicial Court, for the Superior Court and, with the written approval of the Chief Judge of the District Court, for the District Court and serve as auditor of the Judicial Department;
8. **Examine arrangements for use and maintenance of court facilities.** Examine the arrangements for the use and maintenance of court facilities and supervise the purchase, distribution, exchange and transfer of judicial equipment and supplies thereof;
9. **Act as secretary.** Act as secretary to the Judicial Conference;
10. **Submit an annual report.** Submit an annual report to the Chief Justice, Legislature and Governor of the activities and accomplishments of the office for the preceding calendar year;
11. **Maintain liaison.** Maintain liaison with executive and legislative branches and other public and private agencies whose activities impact the Judicial Department;
12. **Prepare and plan clerical offices.** Prepare and plan for the organization and operation of clerical offices serving the Superior Court and, at the request of the Chief Judge of the District Court, the District Court within each county; provide for a central clerk of court office at each county seat with satellite clerk in each court;
13. **Implement preservice and inservice educational and training programs.** Develop and implement preservice and inservice educational and training programs for nonjudicial personnel of the Judicial Department; and,
14. **Perform duties and attend other matters.** Perform such other duties and attend to such other matters consistent with the powers delegated herein assigned to him by the Chief Justice and the Supreme Judicial Court.

FISCAL

The expenditure and revenue data are presented for the State fiscal year ended June 30th. The Judicial Department operates from the State general funds which are appropriated by the legislature. It also administers several grants from public sources.

As shown by Graph F-5, there has been a steady increase since FY'77 (the first year for which comparable data was collected and reported) in both expenditures and revenues for the courts at all levels. Total expenditures for the courts have increased 101.3% from \$6,516,431 in FY'77 to \$13,703,927 in FY'83. Revenues have increased 80.3% from \$5,775,643 in FY'77 to \$10,415,170 in FY'83.

Expenditures

Judicial Department expenditures for FY'83 totalled \$13,707,628 which is an increase of 13.1% over the previous year. The following is a summary of expenditures by Department sub-division:

COMPARATIVE EXPENDITURE SUMMARY  
FOR FISCAL YEARS ENDED JUNE 30TH

TABLE F-1

<u>Subdivision</u>	<u>FY 1982</u>	<u>FY 1983</u>	<u>% Change</u>
Judicial Council	\$ 6,011	\$ 6,313	5.0
Supreme Judicial Court	1,230,911	1,380,793	12.2
Superior Court	4,963,120	5,732,133	15.5
District Court	5,281,457	5,959,439	12.8
Administrative Court	150,760	162,531	7.8
Administrative Office of the Courts	294,699	327,729	11.2
*Special Projects	120,088	3,701	-96.9
Other Department Activities	<u>71,870</u>	<u>134,989</u>	<u>87.8</u>
TOTAL	\$12,118,916	\$13,707,628	13.1

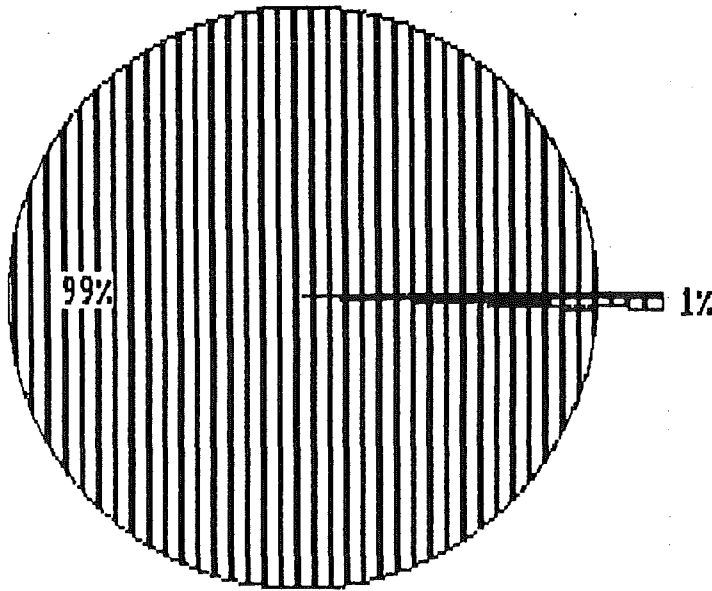
As in prior years, statutory payments to County Law Libraries have been included within Superior Court expenditures.

\*Special Projects which were administered with federal monies during the fiscal year were as follows:

- Judicial Training .....	\$2,856
- Records Management .....	<u>845</u>
TOTAL	\$3,701

JUDICIAL % OF STATE EXPENSES

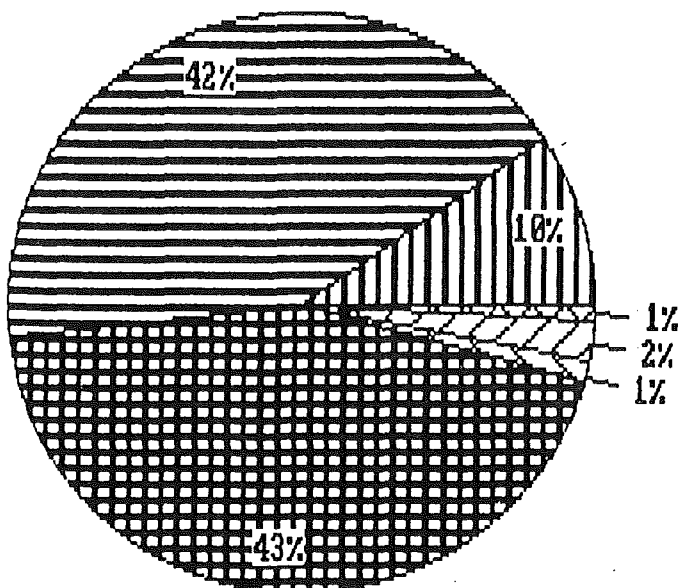
- ▢ EXECUTIVE AND LEGISLATIVE
- ▣ JUDICIAL



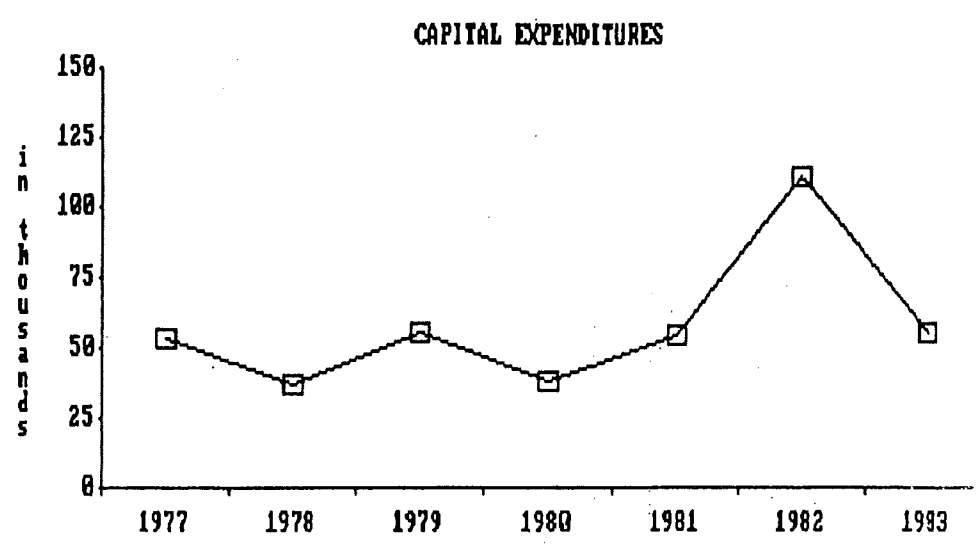
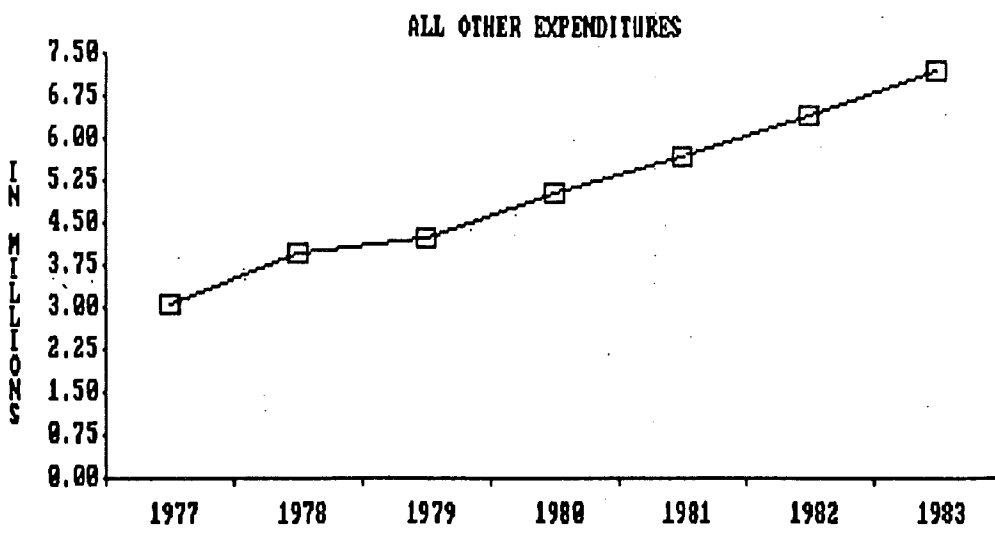
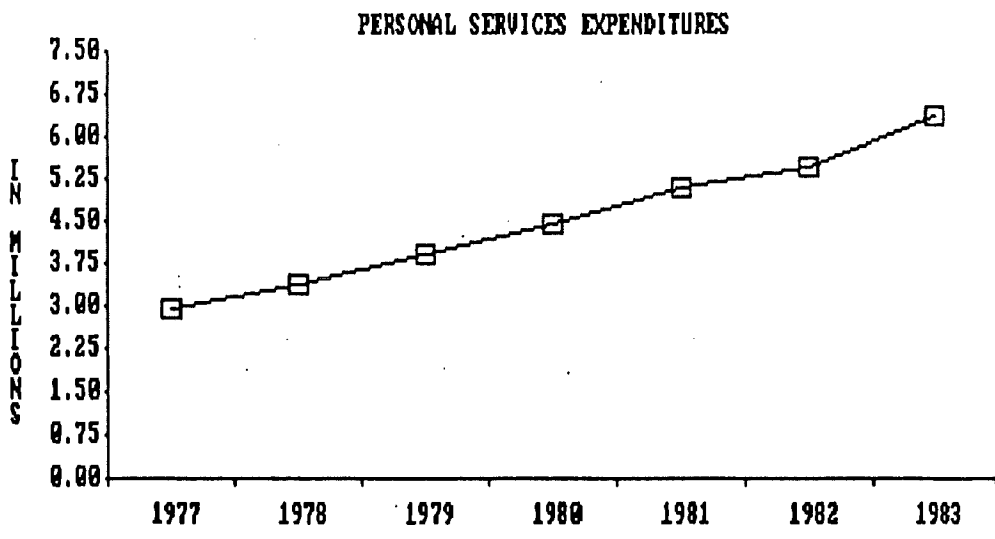
GRAPH F-3

EXPENDITURES BY SUBDIVISION

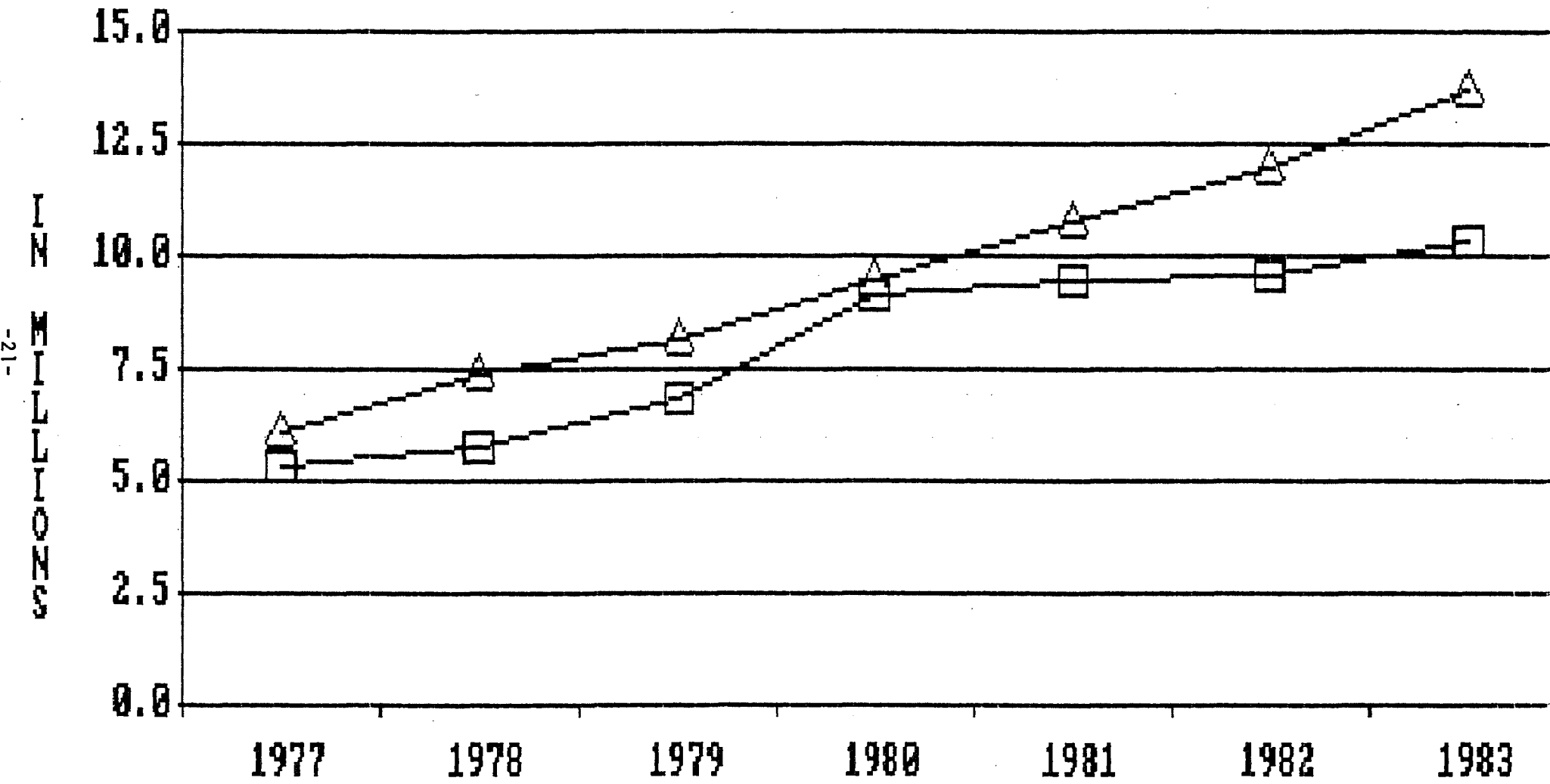
- SUBDIVISIONS
- ▢ SUPREME JUDICIAL CT
  - ▣ SUPERIOR CT
  - ▤ DISTRICT CT
  - ▥ ADMINISTRATIVE CT
  - ▦ ADMIN OFFICE OF CTS
  - ▧ OTHER







### REVENUE AND EXPENDITURES



□ REVENUE    △ EXPENDITURES

IN MILLIONS  
-21-

Revenue

Judicial Department gross revenue for FY'83 totalled \$10,415,170. Table F-6 below identifies a source breakdown of that revenue for FY'80, FY'81, FY'82 and FY'83, and the percent change. Revenue and percent change by court location is shown in Tables F-7 and F-9:

All funds collected by the Judicial Department, except project grants, go into the State General Fund. A relatively small proportion of these funds consist of fines for specific violations of law which are dedicated to certain agencies. A comparative summary of dedicated fines by fiscal year is also shown below.

COMPARATIVE REVENUE SUMMARY FOR FISCAL YEARS ENDED JUNE 30TH

TABLE F-6

<u>REVENUE</u>	<u>1980</u>	<u>1981</u>	<u>% Change</u>	<u>1982</u>	<u>% Change</u>	<u>1983</u>	<u>% Change</u>
- Superior Court*	\$ 593,528	\$ 726,558	22.4	\$ 775,015	6.7	\$ 731,544	-5.6
- District Court**	8,552,812	8,641,521	1.0	8,759,009	1.4	9,599,392	9.6
- Administrative Court**	41,545	52,130	25.5	72,903	39.8	50,113	-31.3
- Miscellaneous	<u>24,468</u>	<u>29,270</u>	19.6	<u>31,801</u>	8.6	<u>34,121</u>	7.3
	\$9,212,353	\$9,449,479	2.6	\$9,638,728	2.0	\$10,415,170	8.1
Less: Dedicated Revenue							
- Dept. of Transportation	\$ 277,184	\$ 349,283		\$ 407,627		\$ 484,685	
- Dept. of Inland Fisheries and Wildlife	265,369	253,349		274,830		258,016	
- Public Utilities Commission/Trans.Safety Fund	80,068	102,220		76,032		80,014	
- Municipalities	33,347	28,055		44,127		48,089	
- Dept. of Agriculture	11,050	4,535		20		-	
- Dept. of Conservation	5,345	4,260		4,955		5,800	
- Miscellaneous Agencies	<u>3,885</u>	<u>335</u>		<u>4,759</u>		<u>4,405</u>	
Total Dedicated Revenue	<u>(676,248)</u>	<u>(742,037)</u>	9.7	<u>(812,350)</u>	9.5	<u>(881,009)</u>	8.5
Net General Fund Revenue	<u>\$8,536,105</u>	<u>\$8,707,442</u>	2.0	<u>\$8,826,378</u>	1.4	<u>\$9,534,161</u>	8.0
<u>Revenue for Special Projects</u>							
- Special Project Grants	\$ 72,138	\$ 212,000		\$ 124,514		\$ -	

Note: This information is prepared on a cash basis and does not take into consideration any accruals.

\*Revenue and percent change by Superior Court locations is shown Table F-7 and Graph F-8.

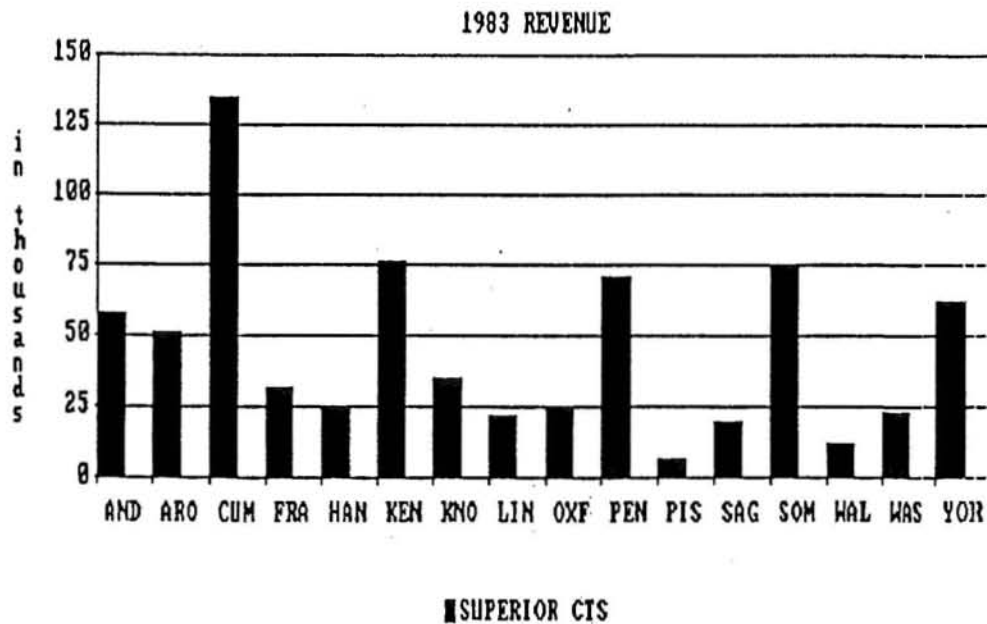
\*\*Revenue and percent change by District Court, also including the Administrative Court is shown in Table F-9.

**COMPARATIVE REVENUE SUMMARY FOR SUPERIOR COURTS  
FOR FISCAL YEARS ENDED JUNE 30TH**

TABLE F-7

Superior Court (County)	Location (City/Town)	1980 Revenue	1981 Revenue	% Change 1980-1981	1982 Revenue	% Change 1981-1982	1983 Revenue	% Change 1982 - 1983
Androscoggin	Auburn	\$ 20,227	\$ 25,360	25.4	\$ 24,845	-2.0	\$ 58,048	133.6
Aroostook	Houlton	48,176	49,770	3.3	50,166	.8	51,863	3.4
Cumberland	Portland	97,882	100,649	2.8	130,414	29.6	135,205	3.7
Franklin	Farmington	28,429	36,318	27.8	41,470	14.2	32,000	-22.8
Hancock	Ellsworth	24,423	31,033	27.1	30,650	-1.2	25,148	18.0
Kennebec	Augusta	64,598	77,251	19.6	58,674	-24.1	76,655	30.6
Knox	Rockland	20,841	36,591	75.6	35,375	-3.3	34,880	-1.4
Lincoln	Wiscasset	21,599	21,201	-1.8	31,784	49.9	22,433	-29.4
Oxford	South Paris	16,222	18,384	13.3	25,129	36.7	23,683	-5.8
Penobscot	Bangor	78,963	79,469	0.6	46,929	-40.9	71,179	51.7
Piscataquis	Dover-Foxcft.	9,595	10,350	7.9	46,949	353.6	7,183	-84.7
Sagadahoc	Bath	13,079	23,660	80.9	14,586	-38.4	19,712	35.1
Somerset	Skowhegan	83,934	106,028	26.3	141,705	33.6	74,244	-47.6
Waldo	Belfast	12,210	13,043	6.8	11,153	-14.5	12,875	15.4
Washington	Machias	13,471	22,012	63.4	21,413	-2.7	23,453	9.5
York	Alfred	39,879	75,439	89.2	63,773	-15.5	62,983	-1.2
<b>TOTAL</b>		<u>\$593,528</u>	<u>\$726,558</u>	22.4	<u>\$775,015</u>	6.7	<u>\$731,544</u>	-5.6

GRAPH F-8



COMPARATIVE REVENUE SUMMARY FOR DISTRICT AND ADMINISTRATIVE COURTS  
FOR FISCAL YEARS ENDED JUNE 30TH

TABLE F-9

<u>District Court Location:</u>	<u>1980</u> <u>Revenue</u>	<u>1981</u> <u>Revenue</u>	<u>% Change</u> <u>1980 - 1981</u>	<u>1982</u> <u>Revenue</u>	<u>%Change</u> <u>1981 - 1982</u>	<u>1983</u> <u>Revenue</u>	<u>% Change</u> <u>1982 - 1983</u>
Augusta	\$ 562,220	\$ 634,190	12.8	\$ 660,189	4.1	\$ 637,172	-3.5
Bangor	621,798	636,152	2.3	591,413	-7.0	696,147	17.7
Bar Harbor	43,761	51,342	17.3	45,424	-11.5	56,718	24.9
Bath	288,448	260,708	-9.6	231,556	-11.2	252,001	8.8
Belfast	147,583	140,321	-4.9	171,125	22.0	153,893	-10.1
Biddeford	611,326	668,157	9.3	584,889	-12.5	576,567	-1.4
Bridgton	114,612	114,698	.1	109,260	-4.7	130,692	19.6
Brunswick	388,363	372,682	-4.0	381,213	2.3	417,954	9.6
Calais	119,895	105,759	-11.8	90,134	-14.8	134,619	49.4
Caribou	156,592	119,180	-23.9	84,759	-28.9	156,257	84.4
Dover-Foxcroft	131,629	119,518	-9.2	126,817	6.1	147,651	16.4
Ellsworth	170,389	177,384	4.1	193,658	9.2	307,758	58.9
Farmington	168,970	231,527	37.0	236,886	2.3	288,931	22.0
Fort Kent	69,278	74,521	7.6	70,900	-4.9	63,569	-10.3
Houlton	180,335	215,359	19.4	223,266	3.7	196,224	-12.1
Kittery	452,013	480,407	6.3	451,280	-6.1	524,234	16.2
Lewiston	507,921	469,993	-7.5	558,974	18.9	596,222	6.7
Lincoln	166,344	155,071	-6.8	132,663	-14.5	154,423	16.4
Livermore Falls	47,340	50,043	5.7	55,428	10.8	64,414	16.2
Machias	86,523	80,350	-7.1	79,892	-6.6	116,605	46.0
Madawaska	54,657	47,101	-13.8	54,837	16.4	52,583	-4.1
Millinocket	118,355	113,824	-3.8	108,829	-4.4	89,036	-18.2
Newport	204,938	194,609	-5.0	160,866	-17.3	170,738	6.1
Portland	1,361,442	1,375,504	1.0	1,598,275	16.2	1,627,984	1.9
Presque Isle	218,120	188,261	-13.7	189,372	.6	204,829	8.2
Rockland	220,919	197,465	-10.6	227,957	15.4	215,682	-5.4
Rumford	125,347	135,506	8.1	158,428	16.9	155,993	-1.5
Skowhegan	480,707	423,397	-11.9	397,200	-6.2	453,657	14.2
South Paris	87,784	92,687	5.6	86,578	-6.6	84,156	-2.8
Springvale	212,803	226,529	6.5	216,810	-4.3	277,422	28.0
Van Buren	20,441	16,265	-20.4	21,219	30.5	13,941	-34.3
Waterville	237,396	260,507	9.7	259,381	-4.4	353,435	36.3
Wiscasset	174,563	212,504	21.7	199,532	-6.1	227,885	14.2
<b>TOTAL</b>	<b>\$8,552,812</b>	<b>\$8,641,521</b>	<b>1.0</b>	<b>\$8,759,010</b>	<b>1.4</b>	<b>\$9,599,392</b>	<b>9.6</b>
<u>Administrative Court:</u>							
Portland	41,545	52,130	25.5	72,903	39.9	50,113	-31.3
<b>GRAND TOTAL</b>	<b>\$8,594,357</b>	<b>\$8,693,651</b>	<b>1.2</b>	<b>\$8,831,913</b>	<b>1.6</b>	<b>\$9,649,505</b>	<b>9.3</b>

### District Court Building Fund

Pursuant to 4.M.R.S.A. §163 (3), \$3,000 per month is transferred from the District Court appropriation to the District Court Building Fund. This fund is "to be used solely for the building, remodeling and furnishing of quarters for the District Court....". Monies in this fund are carried forward from year to year.

The balance forwarded from fiscal year 1982 was \$22,085. The addition of \$36,000 for fiscal year 1983 brought the total available funds to \$58,085. Of this amount \$37,064 was spent during the year for completion of the Calais, Biddeford, Portland, Bangor renovations, and furnishings for Biddeford, Portland, Lewiston, Rockland, South Paris, Wiscasset, Augusta, Skowhegan, Waterville, Machias, Caribou, Fort Kent, Houlton, and North and South Electronic Recording, leaving a year-end balance of \$21,021.

### One-Write Accounting System

During 1981, an ad hoc committee comprised of two regional court administrators and the fiscal director was formed to develop a simplified, uniform system of processing cash revenue receipts, cash bill receipts, and disbursements. The committee recommended the establishment of a one-write or pegboard accounting system which was initiated in the Cumberland Superior Court, York Superior Court, and Bath District Court on a pilot basis. By the end of 1982, this system was successfully implemented in Region I of the Superior Court and the Southern Region of the District Court. During 1983, the one-write system was implemented throughout the state.

### COURT FACILITIES

During the summer of 1982, the Administrative Office of the Courts reviewed court facility needs statewide, as identified by various studies in the late 1970's. The data were updated and the top priority needs were identified and submitted for consideration by the Bureau of Public Improvements, as had been urged by the Senate chairman of the 110th Legislature's Appropriations Committee. These needs were listed as:

<u>Judicial Department Priority</u>	<u>Project Description</u>
1	Portland District Court Relocation
2	Skowhegan District Court Relocation
3	New Bath-Brunswick District Court or new Brunswick-only District Court
4	New Lincoln-Millinocket District Court or new Lincoln District Court
5	New Kennebec Superior Court

The progress of the Judicial Department in obtaining improved court facilities at these locations in 1983 is detailed below.

### Portland District Court

The Ninth District Court located in Portland but serving 12 communities in the Southern Cumberland area is the busiest by far of the 33 District Courts in Maine. Its caseload of about

40,000 is more than double the size of the next largest District Court in the system. Yet, it is attempting to hold court and process its cases with only one courtroom of any size and a second courtroom scarcely larger than a hearing room. Overall, it leases about 6,000 sq. ft. of space in the basement of the Cumberland County courthouse, less than 30% of the amount of space and two courtrooms shy of what national standards indicate is required for a court with this volume of cases.

The Bureau of Public Improvements (BPI) proposed that a study of the space needs of the Ninth District Court (Southern Cumberland) in Portland be conducted in conjunction with a study it advocated to plan a consolidation of all Executive Department agencies in a state office building in Portland. This would have been an alternative to the leasing of separate facilities throughout the city of Portland. The overall study, estimated by the BPI to cost \$500,000, ultimately was not funded.

During the spring of 1983, a new plan surfaced to accommodate the state courts' needs for additional space in proximity to the present courthouse. Private developers acquired the development rights to the so-called Woodman Building, an historic structure located adjacent to the courthouse and containing about 50,000 square feet of space on four floors and a basement. The building has been used for some years by a well-known antique dealer for sales and storage of furniture.

Considerable time and effort by both the developers and representatives of the Judicial Department were spent in evaluating the building as a possible solution to the court space problems, culminating in a presentation to the Chief Justice and Governor. Ultimately, it was decided that the cost of having the building renovated by the private developers for purchase by the state was too expensive. The lack of parking was an additional factor that led to a decision not to pursue the idea further.

As the year closed, the Portland court space problems remained the Judicial Department's top priority facility need.

#### Skowhegan District Court

The Skowhegan District Court operated for years in the basement of the Somerset County courthouse. The facility was inefficient, lacked adequate public waiting room, conference rooms, and generally looked like the renovated boiler room it once was. More fundamentally, it was inaccessible to the handicapped and could not be made accessible easily.

The Town of Skowhegan offered to give to the state for the Somerset Division of Twelfth District Court a nearby site on which sit two former elementary school buildings. An architect evaluated the possibility of remodeling one of the school buildings for the court and concluded it could be done for \$350,000. This figure was included in the Governor's 1983-85 Capital Improvement Program as Item #136 (Division B. Essential Projects) and later, was part of a \$21 million state and municipal facilities bond issue proposal approved by the 111th Maine Legislature for statewide referendum vote on Tuesday, November 8, 1983. Unfortunately, the bond issue was defeated.

As the year drew to a close, negotiations were underway to locate the Maine District Court at Skowhegan in leased space in a downtown building.

#### Brunswick District Court

Vying for the dubious distinction as one of Maine's worst court facilities in 1983 was the Brunswick District Court. It has operated in the municipal building since the establishment of the District Court system over 20 years ago with a tiny clerk's office (a dutch door serves as its only public counter) and a small courtroom that serves also as a meeting room for the Town Council and other municipal boards. It occupied about 1,100 square feet as contrasted with national standards that call for over 5,000 square feet of space for a court with over 9,000 case filings annually.

Construction of a district court facility for Brunswick is the most acceptable solution as no buildings of this size suitable for renovation have been identified as available or potentially available in the community. Since the Bath District court is only about 10 miles away, however, and is located in leased space with limited room for expansion and lacking some desirable facilities such as conference rooms, the concept of accommodating both courts in a single facility was identified as potentially the most cost-effective and efficient in providing judicial service to the public and bar in the Brunswick-Bath area.

The BPI determined that such a facility could be constructed for \$750,000. Such a figure was included in the Governor's 1983-85 Capital Improvement Program as Item #138. Later, in August, the 111th Legislature included the item as part of a \$21 million state and municipal facilities bond issue proposal for submission to the voters statewide on November 8, 1983.

Unfortunately, as noted above with respect to the Skowhegan District Court, the bond referendum failed to be approved by voters statewide, although it was approved by voters in the area served by these courts.

As the year ended, negotiations were underway to move the Brunswick District Court out of the municipal building where renovations reduced the public lobby space even further, to a temporary location on Stanwood Street. Although the Stanwood Street building will provide only about half of the space necessary to adequately serve the public according to national standards, it will more than double the space available to the court in the municipal building; thus, the facility is acceptable as an interim solution.

Plans also were underway at year's end for a permanent new court facility to include the District Courts of Eastern Cumberland (Brunswick) and Sagadahoc (Bath) and the Sagadahoc Superior Court.

#### Providing Handicapped Access

The various court facilities studies conducted in the late 1970's identified many court facilities as containing architectural barriers to persons confined to wheelchairs or with limited mobility. These barriers typically involve long flights of stairs that deny handicapped persons entry to the courthouse or restrict movement between floors within a courthouse. Since the Judicial Department does not own the courthouses in which the state Superior Courts are located and does not even have title to the space it occupies within these buildings, it had not undertaken any project to correct these deficiencies, believing it to be a responsibility primarily of the county governments.

Nonetheless, the Maine Association of Handicapped Persons filed suit in Federal District Court late in 1982 against the State of Maine seeking access to all state courts by handicapped or mobility-impaired persons. Conferences commenced in 1983 between various state officials and representatives of the plaintiffs. State officials surveyed all court facilities and identified specifically the alterations that would be required in county courthouses to make them accessible. A plan was prepared by the Bureau of Public Improvements in consultation with the Maine Association of County Commissioners and the Judicial Department for a shared funding by the state and county governments of projects at each courthouse that would provide access to the courts and other public offices on the premises. The estimated costs of all the projects statewide total \$1,035,950 with the state share being \$720,000.

A bond issue was proposed as the means of funding the state share and the 111th Legislature approved such a proposed issue, subject to statewide referendum on Tuesday, November 8, 1983. Unlike other court related bond issues, the court accessibility bond issue was placed on the referendum ballot by itself and was approved by the voters. As 1983 came to a close, plans were underway to implement the program.

Maine District Courts that are not accessible to the handicapped will be made accessible by requiring alterations to be made at the time leases are renewed. Thirty-two of the 33 District Court locations involved lease facilities. Those that cannot be made accessible will be vacated.



## PERSONNEL

The theme for the personnel activity in 1983 of the Department was "gearing up for collective bargaining". The first session of the 111th Legislature passed a law formulating an Advisory Committee to study and recommend a labor relations policy for the courts. (See "Committees of the Judicial Department" section on page 33 for additional information). The Supreme Judicial Court appointed the Advisory Committee and through a series of intensive and extensive meetings with court employees, management representation, and labor officials, the Committee fulfilled its mandated task and reported their recommendations to the Supreme Judicial Court, which in turn reported to the Legislature before its 1984 session. A comprehensive labor relations policy for court employees is expected to result in 1984 based upon the efforts of the Advisory Committee and the approval of both the Supreme Judicial Court and the Legislature.

Sweeping changes in the group life insurance program law required a large concentration of time and effort by the accounting and personnel staff. Insurance benefits and premium rates were altered to the degree not seen previously in the multi-year history of the retirement system group life plan.

The personnel officer undertook four job re-classification studies during the year. The personnel officer was able to personally make on-site visitations to all the courts in southern District Court region and most of the Superior and District Courts in Bangor, northward. The first session of the 111th Legislature funded three new positions for the courts, two for the Superior Court and one for the District Court.

## JUDICIAL RESOURCES

### Judicial Scheduling

In the District Court, resident judges serve in the district to which they are appointed by the governor, although occasionally they may assist in other districts in emergency instances. There are six at-large judges who are scheduled by the deputy chief judge on a monthly basis. Five District Court locations require the services of an at-large judge every month, leaving one judge available to cover special assignments and vacancies due to illness, vacations, and educational conferences, and to assist courts experiencing particular backlog problems.

Superior Court justices are assigned throughout the state on a yearly basis by the chief justice of the Superior Court, although justices serve primarily in a few courts for most of the year. On a monthly or bi-monthly basis, the court administrators, in coordination with justices, clerks, and attorneys, prepare schedules detailing the daily work of justices and court reporters, for approval by the chief justice. During 1983, various experiments were undertaken involving trailing lists, extended lists, and docket calls in an effort to improve case management and expedite case disposition.

### Use of Active Retired Justices and Judges

Upon retirement, any justice of the Supreme Judicial Court or Superior Court, or any judge of the District Court, may be appointed by the governor to active retired status. These members of the judiciary render invaluable service by their availability to serve throughout the state assisting overburdened courts. During 1983, the three active retired Supreme Judicial Court justices and six active retired District Court judges served a total of 796 days in the state courts.

### Judicial Resources Report

In December 1983, the Judicial Policy Committee issued a report evaluating the adequacy of current judicial staffing levels in the Maine trial courts. The Committee concluded that both the Superior Court and District Court were severely understaffed, and recommended that each court be supplemented by three new judgeships and that this request be submitted to the 111th Legislature convening in 1984. (See "Committees of the Judicial Department" section on page 34 for additional information.)

## JUDICIAL EDUCATION

The Sixth Maine Judicial Conference was held on September 12th and 13th at Sebasco Estates, Maine. As provided in the State Statutes, (4 M.R.S.A., Section 471) the conference was attended by Maine Justices and Judges who are required to ".....advise and consult with the Supreme Judicial Court and chief justice on matters affecting the administration of the Judicial Department.....".

The featured event of the conference was a video tape presentation and two-way commentary on hearsay evidence conducted by Perham Williams, Dean of the University of Mississippi Law Center. The dinner banquet speaker was the Hon. Stephen G. Breyer, U.S. Court of Appeals, First Circuit. On the second day of the conference, each court held separate meetings with their colleagues to discuss various administrative concerns. In the afternoon of the same day, at the luncheon banquet, the justices, judges, and other participants were addressed by His Excellency, Joseph E. Brennan, Governor of Maine.

Both basic and graduate level continuing education needs for individual members of the judiciary were addressed in 1983. Four newly appointed judges attended general orientation courses. Four senior judges attended graduate programs dealing with search and seizure, criminal evidence, and juvenile and family law. Other members of the judiciary attended, participated or presented at professional association meetings and conferences at various times throughout the year. Topics dealt with at the seminars or conferences included subjects of a contemporary nature such as alcohol/drug abuse, alternative sentencing methods, and the most recent law cases on "asbestos litigation".

## NON-JUDICIAL EDUCATION

Seven clerks of court and first-time supervisors attended a program on basic supervision in the fall of 1983 held in Portland. Two official court reporters participated at the National Shorthand Reporters Association Conference in August, which provided a potential opportunity for recruiting court reporters for the Maine court system.

The annual Clerk of Courts Conference was held in September in conjunction with the annual Judicial Conference. Clerks of all Maine courts, secretaries, and official court reporters were exposed to the basics of labor relations, both by a formal presentation and the opportunity to meet with the Advisory Committee on Collective Bargaining for Judicial Employees. Other topics covered at the Clerks' Conference ranged from court mediation services, general administrative procedures, expanded small claims court time, to such "nuts and bolts" subjects as the use of new docket sheets.

Administrative members of the Department attended a two-day orientation session on computers in the courts, sponsored by the National Center for State Courts. The state law librarian participated in a Library of Congress program on management communication in June. In the early and late fall, three bailiffs were trained at a court security seminar sponsored by the U.S. Marshall's Service.

## COURT AUTOMATION

The close of 1983 brought with it considerable optimism for computerizing Maine's trial courts during the next several years. During the summer of 1983, the State of Maine became eligible for federal Highway Traffic Safety Administration funds to expedite the processing of drunk-driving (OUI) cases. The Administrative Office submitted an application to the Maine Bureau of Safety, in the hope that funds could be made available to begin computerizing OUI case processing and linkages between

the courts and the Secretary of State Motor Vehicle Division. At year end, the Judicial Department also had applied for limited funds from the Maine Criminal Justice Planning and Assistance Agency for this purpose.

The Biddeford District Court's IBM Display-Writer word processing system was evaluated, resulting in major changes to their file configuration and the addition of two printers. A pilot project was developed and implemented in the Bangor District Court which enabled the court to access information from both Motor Vehicle Division and the State Police's State Bureau of Identification files via computer terminal.

#### JURY MANAGEMENT

In 1982, the Superior Court began using the State Motor Vehicle Division computer list as a source for jurors. This list consists of licensed drivers, identification card holders, and persons requesting to be included on the source list in order to be considered for jury service. During 1983, this system continued to be a time saver in clerks' offices when the computer was programmed to print juror names directly onto qualification questionnaires, eliminating the need for clerks to manually affix labels to those forms. Also during 1983, the Supreme Judicial Court promulgated a Jury System Management Plan in compliance with 14 M.R.S.A. §1251-A, which provides written documentation of jury selection and management in the Maine Superior Court.

There are two systems used by the Superior Court for the qualification and summoning of prospective jurors. Three courts are using a "one-step qualification/summoning" process whereby jurors are sent qualification questionnaires and summonses at the same time, approximately one month prior to the jury session. Juror yield (i.e., the percentage of persons actually serving as jurors) was about 50%, which means that one-half of all persons contacted for prospective jury service actually served as jurors. Persons who were disqualified, excused, postponed or exempted accounted for about 45%, while mailings not receiving a response or returned by the post office as undeliverable were responsible for the remaining 5%.

"Two-step qualification/summoning" occurs in the remaining 13 courts. This process entails a single mailing of qualification questionnaires to all persons selected for the master list during a given period (usually one year). Periodically throughout the year, summonses are then sent to persons who were previously determined to be qualified. Juror yield in the 13 courts averaged 40%, ranging from under 40% in Washington and York to over 50% in Lincoln and Piscataquis.

More detailed juror summoning and qualification data are included in the version of this Annual Report containing the statistical supplement, which is available upon request from the Administrative Office of the Courts.

#### RECORDS MANAGEMENT

During 1983, the state court administrator appointed a Task Force on Records Management and Court Exhibits to draft court policies and procedures for Supreme Judicial Court review. The Task Force, summarized state laws and court rules relating to court records and prepared a preliminary draft of a proposed records retention and disposition schedule. Drafts of such schedules were prepared for administrative, fiscal and personnel records.

#### "COURT CRIER" NEWSLETTER

In keeping with other state court systems throughout the country, the Maine Judicial Department began publication of an informational newsletter to apprise court employees and other interested persons of happenings in the court system. The first issue disseminated in October 1983 was followed by a December issue, but it is expected that a monthly publication schedule will be instituted during 1984.

## LEGISLATIVE ACTIVITY

During 1983, the Administrative Office of the Courts has continued the practice of preparing a weekly status list of all legislation of concern to the Judicial Department. This list is disseminated to the Supreme Judicial Court, the Judicial Department Legislation Committee, the Judicial Council Legislative Committee and all administrative staff. Throughout each legislative session, the Administrative Office of the Courts reviews all proposed legislation which may impact the Judicial Department and prepares fiscal and programmatic impact statements. Such documentation can require weeks of staff time to compile and analyze pertinent information, and to consult with the Judicial Department Legislation Committee and appropriate persons. It is estimated that the equivalent of one full-time position is devoted to responding to these and other legislative requests from January through May of each year.

### 1983 LEGISLATIVE AND RULE HIGHLIGHTS

#### Court Jurisdiction

- The District Court now has original jurisdiction, concurrent with the Superior Court, to grant restitution as well as equitable relief in cases of unfair trade practices. (4 MRSA §152).
- The District Court's civil jurisdiction increased from \$20,000 to \$30,000. (4 MRSA §152).
- The Administrative Court now has exclusive jurisdiction to hear appeals from disciplinary decisions of the Real Estate Commission. Such jurisdiction was previously in the Superior Court. (4 MRSA §1151 (2-A)).

#### Court Employees

- Court employees may engage in collective bargaining, and an Advisory Committee was established to study and recommend a court labor relations policy. (4 MRSA §31-32).

#### Judiciary

- Administrative Court Judges may be assigned to sit in the Superior Court, upon order by the chief justice of the Supreme Judicial Court. (4 MRSA §157-C).
- A new position of chief justice of the Superior Court has been created, replacing the three regional presiding justice positions. (4 MRSA §101-A).

#### Jurors

- Smoking is prohibited in jury rooms unless all members present have given their consent for others to smoke. (22 MRSA §1579).

#### Filing Fees

- The Supreme Judicial Court amended the Rules of Civil Procedure, District Court Civil Rules and Rules of Probate Procedure to increase court fees. Primarily, the filing fee in District Court increased from \$5.00 to \$10.00, the filing fee in Superior Court increased from \$10.00 to \$25.00, and a new filing fee of \$50.00 was instituted for appeals to the Law Court.

#### Small Claims

- A small claims night court was established by providing that "each District Court shall be available for at least one hour, one evening each month, or one hour on one Saturday each month, for the hearing of small claims". (4 MRSA §181).

## COMMITTEES OF THE JUDICIAL DEPARTMENT

There are numerous functional committees within the Judicial Department. The purpose of these committees, which include judges, lawyers, and private citizens, is to assist the Supreme Judicial Court, as well as the chief justice of the Supreme Judicial Court, the Superior Court chief justice, and the District Court chief judge in carrying out their respective responsibilities. The list below represents all committees organized by appointing authority, with narrative descriptions of selected committees appearing on the following pages.

### SUPREME JUDICIAL COURT

COMMITTEE:	CHAIR:
Board of Overseers of the Bar	Robert F. Preti, Esq.
Civil Rules Committee	George Z. Singal, Esq.
Committee on Collective Bargaining for Judicial Department Employees	Dean James W. Carignan
Committee on Professional Responsibility	Duane D. Fitzgerald, Esq.
Court Administration Committee	Charles H. Abbott, Esq.
Criminal Rules Committee	Gary F. Thorne, Esq.
Evidence Rules Committee	Frank E. Hancock, Esq.
Judicial Records Committee	Justice Herbert T. Silsby, II
Committee on Judicial Responsibility and Disability	Patricia M. Collins
Probate Rules Committee	Probate Judge Dana W. Childs

### CHIEF JUSTICE

COMMITTEE:	CHAIR:
Committee on Continuing Judicial Education	Assoc. Justice David A. Nichols
Committee on Court-Appointed Counsel	Assoc. Justice Daniel E. Wathen
Committee on the 1983 Judicial Conference	Assoc. Justice Daniel E. Wathen
Committee on the 1984 Judicial Conference	Judge Courtland D. Perry
Judicial Policy Committee	Assoc. Justice David G. Roberts
Judicial Department Legislation Committee	Assoc. Justice Elmer H. Violette
State Court Library Committee	Act. Ret. Justice Thomas E. Delahanty

### SUPERIOR COURT CHIEF JUSTICE

COMMITTEE:	CHAIR:
Superior Court Civil Forms Committee	Justice William E. McCarthy
Superior Court Criminal Forms Committee	Justice Stephen L. Perkins

### DISTRICT COURT CHIEF JUDGE

COMMITTEE:	CHAIR:
District Court Policy and Advisory Committee	Judge Harriet P. Henry
District Court Civil Forms Committee	Judge L. Damon Scales, Jr.
District Court Criminal Forms Committee	Judge Alan C. Pease
District Court Statistics Committee	Judge Alan C. Pease

COMMITTEE MEMBERSHIP

BOARD OF OVERSEERS OF THE BAR

Robert F. Prefl, Esq., chair  
John W. Ballou, Esq.  
Clarence R. DeRochemont  
Madeleine R. Freeman  
Franklin G. Hinckley, Esq.  
Louise P. James  
Francis C. Marsano, Esq.  
Joan Phillips Sandy, Esq.  
Chadbourn H. Smith, Esq.

CIVIL RULES COMMITTEE

George Z. Singal, Esq., chair  
Ellyn C. Ballou, Esq.  
Forrest W. Barnes, Esq.  
Kevin M. Cuddy, Esq.  
Daniel R. Donovan, Jr., Esq.  
Philip R. Foster, Esq.  
Charles A. Harvey, Jr., Esq.  
Theodore H. Kurtz, Esq.  
John R. Linnell, Esq.  
Harrison L. Richardson, Esq.  
Randall E. Smith, Esq.  
Martin L. Wilk, Esq.  
Deputy Attorney General Rufus Brown,  
member ex officio, by designation  
of the Attorney General

Consultants:

Dean L. Kinvin Wroth  
Prof. Melvyn Zarr

COLLECTIVE BARGAINING COMMITTEE

Dean James W. Cargnan, chair  
Donald F. Fontaine, Esq.  
George A. Hunter  
Charles J. O'Leary  
Gerald E. Rudman, Esq.

COMMITTEE ON PROFESSIONAL RESPONSIBILITY

Duane D. Fitzgerald, Esq., chair  
Bryan M. Dench, Esq.  
Prof. John C. Donovan  
Edwin A. Heisler, Esq.  
Harold L. Lichten, Esq.  
Chester F. Lunner  
Janet T. Mills, Esq.  
Gordon H. S. Scott, Esq.  
Judith T. Stone  
Arnold L. Veague, Esq.  
Assistant Attorney General John B. Larouche,  
member ex officio, by designation  
of the Attorney General

Consultant:

Dean L. Kinvin Wroth

COURT ADMINISTRATION COMMITTEE

Charles H. Abbott, Esq., chair  
John R. Atwood, Esq.  
Nicholas P. Brontas, Esq.  
J. Michael Conley III, Esq.  
Roger S. Elliott, Esq.  
Lester T. Jolovitz, Esq.  
John L. Knight, Esq.  
Ralph I. Lancaster, Jr., Esq.  
David M. Lipman, Esq.  
Rudolph T. Pelletier, Esq.  
Bernard C. Staples, Esq.  
Paul F. Zendzian, Esq.  
Assistant Attorney General H. Cabanne Howard,  
member ex officio, by designation  
of the Attorney General

CRIMINAL RULES COMMITTEE

Gary F. Thorne, Esq., chair  
Paul W. Chaiken, Esq.  
Coleman G. Coyne, Jr., Esq.  
Thomas L. Goodwin, Esq.  
E. Allen Hunter, Esq.  
Robert J. Levine, Esq.  
Daniel G. Lilley, Esq.  
Malcolm L. Lyons, Esq.  
Assistant Attorney General Charles K. Leadbetter,  
member ex officio, by designation  
of the Attorney General

Consultants:

Prof. Judy Potter  
Prof. Melvyn Zarr  
Prof. David P. Cluchey

EVIDENCE RULES COMMITTEE

Frank E. Hancock, Esq., chair  
Thomas M. Brown, Esq.  
Richard C. Engels, Esq.  
George S. Isaacson, Esq.  
John N. Kelly, Esq.  
Richard E. McKittrick, Esq.  
Roger A. Welch, Esq.  
Assistant Attorney General Robert S. Frank,  
member ex officio, by designation  
of the Attorney General

Consultant:

Peter L. Murray, Esq.

JUDICIAL RECORDS COMMITTEE

Justice Herbert T. Silsby II, chair  
Phillips F. W. Ahrens III, Esq.  
John E. Frost  
Lyman L. Holmes, Esq.  
Dean F. Jewett, Esq.  
Johathan R. Luce, Esq.  
Dean L. Kinvin Wroth

JUDICIAL RESPONSIBILITY AND DISABILITY COMMITTEE

Patricia M. Collins, chair  
Charles W. Allen, Esq.  
Justice Morton A. Brody  
Joseph B. Campbell, Esq.  
G. Wayne Glick  
G. Cecil Goddard  
Judge L. Damon Scales

PROBATE RULES COMMITTEE

Probate Judge Dana W. Childs, chair  
Jill L. Ansheles, Esq.  
Probate Judge Howard F. Barrett, Jr.  
Caspar F. Cowan, Esq.  
Willard H. Linscott, Esq.  
Jotham D. Pierce, Esq.  
Probate Register Cecilia B. Rhoda  
Probate Judge Allan Woodcock, Jr.  
James H. Young III, Esq.  
Consultants:  
Dean L. Kinvin Wroth  
Prof. Merle W. Loper  
Probate Judge James E. Mitchell

CONTINUING JUDICIAL EDUCATION

Assoc. Justice David A. Nichols, chair  
Judge G. Arthur Brennan  
Judge Clifford F. O'Rourke

COMMITTEE ON COURT-APPOINTED COUNSEL

Assoc. Justice Daniel E. Wathen, chair  
Justice William E. McKinley  
Justice Morton A. Brody  
Chief Judge Bernard M. Devine  
Deputy Chief Judge Alan C. Pease  
State Court Administrator Dana R. Baggett

COMMITTEE ON 1983 JUDICIAL CONFERENCE

Assoc. Justice Daniel E. Wathen, chair  
Superior Court Chief Justice Robert W. Clifford  
Judge Courtland D. Perry  
Judge Ronald D. Russell  
State Court Administrator Dana R. Baggett

COMMITTEE ON 1984 JUDICIAL CONFERENCE

Judge Courtland D. Perry, chair  
Assoc. Justice Caroline D. Glassman  
Justice Donald G. Alexander  
Judge Ronald D. Russell  
Mrs. Clifford F. O'Rourke  
State Court Administrator Dana R. Baggett

JUDICIAL POLICY COMMITTEE

Assoc. Justice David G. Roberts, chair  
Superior Court Chief Justice Robert W. Clifford  
Justice William E. McKinley  
District Court Chief Judge Bernard M. Devine  
District Court Dep. Chief Judge Alan C. Pease

JUDICIAL DEPARTMENT LEGISLATION COMMITTEE

Assoc. Justice Elmer H. Violette, chair  
Superior Court Chief Justice Robert W. Clifford  
Justice Robert L. Browne  
Justice Carl O. Bradford  
District Court Chief Judge Bernard M. Devine  
Judge Eugene W. Beaulieu  
Judge Harriet P. Henry (1983)  
Judge Clifford F. O'Rourke (1984)

STATE COURT LIBRARY COMMITTEE

Act. Ret. Justice Thomas E. Delahanty, chair  
Justice Morton A. Brody  
Merton G. Henry, Esq.  
Norman Minsky, Esq.  
Douglas M. Myers, Esq.  
Patricia E. Renn

SUPERIOR COURT CIVIL FORMS COMMITTEE

Justice William E. McCarthy, chair  
Dana T. Hagerthy  
Jeffrey D. Henthorn  
Jeffrey L. Krattemaker  
Lucille J. Lepitre  
Joyce M. Page

SUPERIOR COURT CRIMINAL FORMS COMMITTEE

Justice Louis Scolnik, chair (Jan.-July 1983)  
Justice Stephen L. Perkins, chair (July-Dec. 1983)  
Jeffrey L. Krattemaker  
Margaret B. LaGassey  
Rosemary K. Merchant  
Robert V. Miller  
Norman R. Ness

## COMMITTEE STATUS REPORTS

### Board of Overseers of the Bar

The Board of Overseers of the Bar was created by order of the Supreme Judicial Court, effective November 1, 1978. The Board consists of nine members selected by the Court, three of whom are lay persons and six of whom are members of the Bar of the State of Maine. The Board supervises and administers the registration of all attorneys admitted to practice in the state; investigates and processes claims and reports of violations by attorneys of the rules of practice set forth in the Maine Bar Rules; provides a procedure for the arbitration of disputes between clients and attorneys with respect to legal fees; maintains limited consulting and advisory services with respect to the interpretation and application of the Code of Professional Responsibility (Rule 3 of the Maine Bar Rules relating to ethical standards); and engages in a continuing review and study of the Bar in relation to the public and the Courts for the purpose of making recommendations to the Supreme Judicial Court with respect to the Maine Bar Rules.

At the beginning of 1983, there were approximately 2600 attorneys registered in the Maine Bar which was supplemented by between 175 and 200 new registrations during the year.

### Rules Committees

The Supreme Judicial Court has established advisory committees for civil rules, criminal rules, probate rules, and rules of evidence. These committees aid the Court in discharging its rule-making responsibilities by recommending the adoption of proposed rules or amendments.

### Committee on Collective Bargaining for Judicial Department Employees

During the first session of the 111th Legislature, legislation was enacted to establish an Advisory Committee on Collective Bargaining for Judicial Department Employees including representatives of public sector management and public sector bargaining agents. The Committee, appointed by the Supreme Judicial Court, was authorized to study and recommend labor relations policies and procedures for the Judicial Department. Through a series of intensive and extensive meetings with court employees, management representation and labor officials, the Committee fulfilled its mandated task and reported its recommendations to the Supreme Judicial Court during November, 1983.

### Committee On Professional Responsibility

The Committee on Professional Responsibility was created in 1981 to carry on a continuous review of the operation and effectiveness of the Maine Bar Rules, and in particular the Code of Professional Responsibility, and to recommend to the Supreme Judicial Court such amendments as it finds advisable.

### Committee on Judicial Responsibility and Disability

By legislative authorization, 4 M.R.S.A. §9-B, the Committee on Judicial Responsibility and Disability was established by order of the Supreme Judicial Court in July 1978 and is empowered to receive and investigate complaints of judicial misconduct and disability. Judicial misconduct is defined by the Code of Judicial Conduct, which has been adopted by the Supreme Judicial Court. By order of the Court, the Code of Judicial Conduct is binding on all state judges, except that in the case of judges of probate only the first three canons apply.

The Committee on Judicial Responsibility and Disability consists of seven members appointed by the Supreme Judicial Court. Two members are either active or active retired justices of the



Superior Court, active or active retired Judges of the District Court, or active Judges of probate. Two members are attorneys at law admitted to practice in the State of Maine, and three members are representatives of the general public of the State of Maine. The public and attorney members are appointed by the Supreme Judicial Court upon the recommendation of the governor.

Proceedings before the Committee are typically begun upon receipt of a complaint concerning the conduct of a Judge. If the Committee members decide that the facts stated appear to come within its authority, a copy of the complaint is submitted to the Judge involved for his response, followed by an investigation and decision on whether an evidentiary hearing before the Committee is necessary. The Committee cannot itself impose disciplinary sanctions, but it may seek informal correction of any judicial conduct or practice which the Committee determines may create an appearance of judicial misconduct. If the Committee determines that discipline may be in order, it reports its findings and conclusions, together with recommendations, to the Supreme Judicial Court, and thereafter the matter is handled by the Court as a court proceeding.

#### Committee on Court Appointed Counsel

In 1982 Chief Justice Vincent L. McKusick appointed a committee to study the fiscal implications of the current system of the appointment of counsel for indigent criminal defendants, and to make recommendations for improved fiscal control and management within the Judicial Department. Expenditures for court appointed counsel increased over 100% from \$533,000 in fiscal year 1977 to \$1.2 million in fiscal year 1983.

After extensive deliberations during 1982 and 1983 and the preparation of a study of court appointed counsel expenses by the Administrative Office of the Courts, the committee concluded:

"It is not possible to determine to what extent the dramatic increase in expenditures for court appointed counsel results from the prevailing condition of the economy. It is certain, however, that the increase results from an increase in the number of persons found to be indigent rather than an increase in the amount of compensation paid for individual cases. Statistics gathered from the Superior Court reveal that the number of indigent defendants increased 54.3% from fiscal 1980 through fiscal 1983. In the same period of time the total number of criminal cases increased by only 8%. The extent of over-utilization of the current system by non-indigents is not known.

In our review we found certain elements of the system to be laudable. First, the appointment of counsel occurs at the time of arraignment, the earliest stage of the judicial proceeding. Second, the rates at which court appointed counsel are compensated by the Superior Court Justices of this State are relatively uniform given the variables presented in individual cases. Finally, the Committee is satisfied that the appointment of private counsel at an average hourly cost of \$22 at the Superior Court level as opposed to any other system, is an economical method of discharging the constitutional obligation. Even with the dramatic increase experienced in recent years, the per capita cost of Maine's indigent defense system places it 45th from the highest in a nationwide survey."

The Committee recommended establishment of an administrative screening unit within the Judicial Department to collect relevant information from the criminal defendant seeking appointed counsel; to verify such information; to recommend to the court that the applicant be declared indigent, partially indigent or non-indigent; and to secure reimbursement to the state when appropriate.

At year's end, these recommendations were under study by the Administrative Office of the Courts. A specific plan is anticipated to be prepared for consideration by the Supreme Judicial Court as the governing body of the Judicial Department during 1984.

Judicial Policy Committee

During the summer of 1983, Chief Justice McKusick created the Judicial Policy Committee to address the long-range planning needs of the Judicial Department. Its first assignment was to assess the adequacy of the existing judicial resources in the Maine trial courts, resulting with the publication of the "Judicial Resources Report" in December. This report concluded that both the Superior Court and District Court were under-staffed, and recommended the addition of three new Judgeships in each court. A bill reflecting this recommendation was submitted to the second regular session of the 111th Legislature for its consideration. The Committee will be considering other matters of statewide impact during 1984.

State Court Library Committee

The State Court Library Committee, created in 1981 (4 M.R.S.A. sec. 191), is charged with governing the 18 libraries in the county law library system. The committee is assisted by a state court library supervisor who visited each of the libraries at least once during the year, and met with several of the local law library committees. Two libraries have recruited volunteers through the Retired Senior Volunteer Program in their respective counties. Publications from the office of the state court library supervisor this past year included mailings of a newsletter update on county law library materials, organization and personnel, and A Guide to Legal Resources in Maine, compiled as a union list of legal materials throughout the state.

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MAINE JUDICIAL COUNCIL

As created by the legislature, 4 M.R.S.A. §451, the purpose of the Judicial Council is to "make a continuous study of the organization, rules, and methods of procedures and practices of the judicial system of the State, the work accomplished, and the results produced by that system and its various parts". The Council consists of the following members: the chief justice of the Supreme Judicial Court (chairman, ex officio), the attorney general, the chief judge of the District Court, the dean of the University of Maine Law School, together with an active or retired justice of the Supreme Judicial Court, two justices of the Superior Court, one judge of the District Court, one judge of a Probate Court, one clerk of courts, two lawyers, and six laypersons, the latter to be appointed by the governor for such periods not exceeding four years, as he may determine. The executive secretary, a part-time contract employee, provides all executive services to the Council.

During 1983, the Council continued to initiate and monitor efforts to reduce case delay and, in this regard, to support a program of improvement for Maine courts, including modernized court facilities, additional justices and judges, clerks, and support personnel, as well as higher judicial salaries. A committee of the Council reviewed the functioning of procedures for disciplining judges and proposed a change in the current rule of confidentiality. The Council, through its Executive Secretary, participated in the study conducted by the legislatively-appointed Commission on Local Land Use Violations. The Council also acted to sponsor, as a part of a consortium of legal organizations, the Study of the Future of the Legal Profession in Maine. In addition, the Council's Public Information and Education Committee worked toward the publication of a citizen's handbook for the Maine Courts and assisted the Administrative Office of the Courts in its development of a court newsletter. The full Council held four meetings in 1983 and committees met as necessary.

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**Appendix I**

**Caseload Statistics**



TABLE A

SUPERIOR COURT  
CASELOAD SUMMARY\*  
1979 - 1983

<u>STATE TOTAL</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>% Change 1979-1983</u>	<u>% Change 1982-1983</u>
<u>CIVIL:</u>							
- Pending - January 1st	8,509	8,971	9,212	9,396	9,273	9.0	-1.3
- Filings	6,457	6,446	6,370	6,077	5,827	-9.8	-4.1
- Dispositions	5,995	6,205	6,186	6,200	6,100	1.8	-1.6
- Pending - December 31st	8,971	9,212	9,396	9,273	9,000	.3	-2.9
- Caseload Change	+ 462	+ 241	+ 184	- 123	- 273		
<u>URESA:</u>							
- Pending - January 1st	1,155	1,244	1,714	1,867	1,989	72.2	6.5
- Filings	1,302	1,944	1,748	1,538	1,564	20.1	1.7
- Dispositions	1,213	1,474	1,595	1,416	1,298	7.0	-8.3
- Pending - December 31st	1,244	1,714	1,867	1,989	2,255	81.3	13.4
- Caseload Change	+ 89	+ 470	+ 153	+ 122	+ 266		
<u>CRIMINAL:</u>							
- Pending - January 1st	3,572	4,459	4,442	4,837	5,971	67.2	23.4
- Filings	8,260	8,866	9,190	9,271	9,256	12.1	-.2
- Dispositions	7,373	8,883	8,795	8,137	9,289	26.0	14.2
- Pending - December 31st	4,459	4,442	4,837	5,971	5,938	33.2	-.6
- Caseload Change	+ 887	- 17	+ 395	+1,134	- 33		
<u>TOTAL CASELOAD:</u>							
- Pending - January 1st	13,236	14,674	15,368	16,100	17,233	30.2	7.0
- Filings	16,019	17,256	17,308	16,886	16,647	3.9	-1.4
- Dispositions	14,581	16,562	16,576	15,753	16,687	14.4	5.9
- Pending - December 31st	14,674	15,368	16,100	17,233	17,193	17.2	-.2
- Caseload Change	+1,438	+ 694	+ 732	+1,133	- 40		

\*Includes cases filed and refilled.  
All cases counted by docket number.

TABLE B

## SUPERIOR COURT FILINGS\*

1979 - 1983

	C I V I L		U R E S A		C R I M I N A L		T O T A L	
	1979	1983	1979	1983	1979	1983	1979	1983
Cumberland	1,442	1,419	234	273	1,410	1,834	3,086	3,526
Lincoln	131	169	28	26	202	354	361	549
Sagadahoc	151	139	44	56	142	295	337	490
York	<u>651</u>	<u>752</u>	<u>179</u>	<u>180</u>	<u>811</u>	<u>938</u>	<u>1,641</u>	<u>1,870</u>
Sub Total	2,375	2,479	485	535	2,565	3,421	5,425	6,435
Androscoggin	705	599	103	89	479	664	1,287	1,352
Franklin	139	129	24	30	318	416	481	575
Kennebec	773	607	95	160	807	838	1,675	1,605
Knox	214	158	50	58	287	436	551	652
Oxford	179	171	68	62	263	342	510	575
Somerset	269	247	58	82	767	815	1,094	1,144
Waldo	<u>147</u>	<u>85</u>	<u>35</u>	<u>51</u>	<u>189</u>	<u>268</u>	<u>371</u>	<u>404</u>
Sub Total	2,426	1,996	433	532	3,110	3,779	5,969	6,307
Aroostook	354	378	115	129	769	585	1,238	1,092
Hancock	274	198	43	62	221	230	538	490
Penobscot	784	606	156	203	1,208	789	2,148	1,598
Piscataquis	51	49	24	29	132	133	207	211
Washington	<u>193</u>	<u>121</u>	<u>46</u>	<u>74</u>	<u>255</u>	<u>319</u>	<u>494</u>	<u>514</u>
Sub Total	1,656	1,352	384	497	2,585	2,056	4,625	3,905
STATE TOTAL	6,457	5,827	1,302	1,564	8,260	9,256	16,019	16,647

\*-Includes cases filed and refiled.

-Cases counted by docket number.

DISTRICT COURT  
 FILINGS AND DISPOSITIONS BY TYPE OF CASE \*  
 1979 - 1983

TABLE C

F I L I N G S

<u>STATE TOTALS:</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>% Change 1982-1983</u>
- Civil	13,528	14,013	14,542	13,324	12,481	-6.3
- Family Abuse (b)	-	-	-	1,574	2,107	33.9
- Money Judgments	6,723	6,821	5,530	4,705	4,463	-5.1
- Small Claims	18,534	20,132	21,063	22,174	24,051	8.5
- Divorce	7,748	7,591	7,742	6,992	7,001	.1
- <u>Mental Health</u>	<u>546</u>	<u>899</u>	<u>682</u>	<u>811</u>	<u>720</u>	<u>-11.2</u>
Sub Total	47,079	49,456	49,559	49,580	50,823	2.5
- Juvenile	3,884	3,961	3,864	3,405	3,240	-4.8
- Criminal A,B,C	2,736	3,035	2,962	3,338	3,399	1.8
- Criminal D,E	24,608	26,279	26,521	27,287	27,017	-1.0
- <u>Traffic Criminal</u>	<u>55,852</u>	<u>56,074</u>	<u>60,860</u>	<u>52,078</u>	<u>51,291</u>	<u>-1.5</u>
Sub Total	87,080	89,349	94,207	86,108	84,947	1.3
- <u>Civil Violations and Traffic Infractions</u>	<u>101,227</u>	<u>92,352</u>	<u>84,757</u>	<u>79,783</u>	<u>92,150</u>	<u>15.5</u>
<u>TOTAL FILINGS:</u>	<u>235,386</u>	<u>231,157</u>	<u>228,523</u>	<u>215,471</u>	<u>227,920</u>	<u>5.8</u>

D I S P O S I T I O N S

<u>STATE TOTALS:</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>% Change 1982-1983</u>
- Civil	11,674	12,457	15,063	14,034	12,781	-8.9
- Family Abuse (b)	-	-	-	1,422	1,954	37.4
- Money Judgments	5,861	6,570	5,675	4,559	4,349	-4.6
- Small Claims	15,647	17,509	18,713	20,742	23,093	11.3
- Divorce	7,213	7,526	8,454	6,751	6,990	3.5
- <u>Mental Health</u>	<u>480</u>	<u>897</u>	<u>737</u>	<u>760</u>	<u>722</u>	<u>-5.0</u>
Sub Total	40,875	44,959	48,642	48,268	49,889	3.4
- Juvenile	3,642	3,939	3,795	3,148	3,325	5.6
- Criminal A,B,C	2,710	2,543	2,871	3,120	3,137	-.5
- Criminal D,E	23,834	25,027	26,368	27,646	26,915	-2.6
- <u>Traffic Criminal</u>	<u>51,030</u>	<u>49,485</u>	<u>58,420</u>	<u>52,827</u>	<u>51,813</u>	<u>-1.9</u>
Sub Total	81,216	80,994	91,454	86,741	85,190	-1.8
- <u>Civil Violations and Traffic Infractions</u>	<u>103,816</u>	<u>96,308</u>	<u>85,996</u>	<u>80,261</u>	<u>89,417</u>	<u>11.4</u>
<u>TOTAL DISPOSITIONS:</u>	<u>225,907</u>	<u>222,261</u>	<u>226,092</u>	<u>215,270</u>	<u>224,496</u>	<u>4.3</u>



DISTRICT COURT FILINGS

1979 - 1983

		<u>C I V I L</u>		<u>C R I M I N A L</u>		<u>CIVIL VIOL. &amp; TRAFFIC INFRAC.</u>		<u>1979</u>	<u>1983</u>
		<u>1979</u>	<u>1983</u>	<u>1979</u>	<u>1983</u>	<u>1979</u>	<u>1983</u>		
<u>DISTRICT I:</u>	Caribou	1,227	951	1,548	874	2,523	984	5,298	2,809
	Fort Kent (a)	-	-	811	646	829	591	1,640	1,237
	Madawaska	965	585	481	389	681	321	2,127	1,295
	Van Buren (a)	-	-	293	157	292	144	585	301
	Sub Total	<u>2,192</u>	<u>1,536</u>	<u>3,133</u>	<u>2,066</u>	<u>4,325</u>	<u>2,040</u>	<u>9,650</u>	<u>5,642</u>
<u>DISTRICT II:</u>	Houlton	1,148	1,003	1,722	1,513	2,642	1,279	5,512	3,795
	Presque Isle	1,713	1,601	1,875	1,693	2,858	1,309	6,446	4,603
	Sub Total	<u>2,861</u>	<u>2,604</u>	<u>3,597</u>	<u>3,206</u>	<u>5,500</u>	<u>2,588</u>	<u>11,958</u>	<u>8,398</u>
<u>DISTRICT III:</u>	Bangor	3,784	4,318	6,754	5,720	6,789	5,033	17,327	15,071
	Newport	627	846	1,272	968	3,369	2,174	5,268	3,988
	Sub Total	<u>4,411</u>	<u>5,164</u>	<u>8,026</u>	<u>6,688</u>	<u>10,158</u>	<u>7,207</u>	<u>22,595</u>	<u>19,059</u>
<u>DISTRICT IV:</u>	Calais	702	959	1,755	1,121	1,152	1,102	3,609	3,182
	Machias	653	647	1,574	1,394	637	701	2,864	2,742
	Sub Total	<u>1,355</u>	<u>1,606</u>	<u>3,329</u>	<u>2,515</u>	<u>1,789</u>	<u>1,803</u>	<u>6,473</u>	<u>5,924</u>
<u>DISTRICT V:</u>	Bar Harbor	347	318	449	444	529	424	1,325	1,186
	Belfast	1,335	1,102	1,773	1,598	1,599	1,066	4,707	3,766
	Ellsworth	1,417	1,355	1,920	2,429	2,193	2,467	5,530	6,251
	Sub Total	<u>3,099</u>	<u>2,775</u>	<u>4,142</u>	<u>4,471</u>	<u>4,321</u>	<u>3,957</u>	<u>11,562</u>	<u>11,203</u>
<u>DISTRICT VI:</u>	Bath	1,191	1,202	2,270	1,893	3,322	3,159	6,783	6,254
	Rockland	1,863	2,005	2,575	2,026	1,683	1,280	6,121	5,311
	Wiscasset	1,158	990	1,835	1,771	1,733	1,775	4,726	4,536
	Sub Total	<u>4,212</u>	<u>4,197</u>	<u>6,680</u>	<u>5,690</u>	<u>6,738</u>	<u>6,214</u>	<u>17,630</u>	<u>16,101</u>
<u>DISTRICT VII:</u>	Augusta	2,792	3,424	5,269	4,328	6,775	5,593	14,836	13,345
	Waterville	1,970	2,178	2,964	3,293	2,341	2,927	7,275	8,398
	Sub Total	<u>4,762</u>	<u>5,602</u>	<u>8,233</u>	<u>7,621</u>	<u>9,116</u>	<u>8,520</u>	<u>22,111</u>	<u>21,743</u>
<u>DISTRICT VIII:</u>	Brunswick	842	1,024	2,973	3,069	4,794	4,935	8,609	9,028
	Lewiston	3,956	3,917	6,666	6,350	5,520	7,567	16,142	17,834
	Sub Total	<u>4,798</u>	<u>4,941</u>	<u>9,639</u>	<u>9,419</u>	<u>10,314</u>	<u>12,502</u>	<u>24,751</u>	<u>26,862</u>
<u>DISTRICT IX:</u>	Bridgton	423	596	984	1,376	1,853	1,183	3,260	3,155
	Portland	6,669	8,522	13,442	15,004	16,854	20,818	36,965	44,344
	Sub Total	<u>7,092</u>	<u>9,118</u>	<u>14,426</u>	<u>16,380</u>	<u>18,707</u>	<u>22,001</u>	<u>40,225</u>	<u>47,499</u>
<u>DISTRICT X:</u>	Biddeford	2,248	2,973	6,419	6,013	8,733	7,645	17,400	16,631
	Kittery	697	786	3,786	6,524	5,541	4,493	10,024	11,803
	Springvale	1,598	1,363	2,847	3,347	2,060	2,965	6,505	7,675
	Sub Total	<u>4,543</u>	<u>5,122</u>	<u>13,052</u>	<u>15,884</u>	<u>16,334</u>	<u>15,103</u>	<u>33,929</u>	<u>36,109</u>
<u>DISTRICT XI:</u>	Livermore Falls	249	312	615	608	468	616	1,332	1,536
	Rumford	1,081	1,078	1,718	1,183	870	997	3,669	3,258
	South Paris	893	1,635	1,308	1,011	677	543	2,878	3,189
	Sub Total	<u>2,223</u>	<u>3,025</u>	<u>3,641</u>	<u>2,802</u>	<u>2,015</u>	<u>2,156</u>	<u>7,879</u>	<u>7,983</u>
<u>DISTRICT XII:</u>	Farmington	1,285	1,267	1,578	1,527	1,038	1,646	3,901	4,440
	Skowhegan	1,983	2,235	4,380	3,353	5,313	2,716	11,676	8,304
	Sub Total	<u>3,268</u>	<u>3,502</u>	<u>5,958</u>	<u>4,880</u>	<u>6,351</u>	<u>4,362</u>	<u>15,577</u>	<u>12,744</u>
<u>DISTRICT XIII:</u>	Dover-Foxcroft	810	631	1,349	1,481	777	949	2,936	3,061
	Lincoln	686	565	623	718	3,286	1,885	4,595	3,168
	Millinocket	767	435	1,252	1,126	1,496	863	3,515	2,424
	Sub Total	<u>2,263</u>	<u>1,631</u>	<u>3,224</u>	<u>3,325</u>	<u>5,559</u>	<u>3,697</u>	<u>11,046</u>	<u>8,653</u>
<u>STATE TOTAL:</u>		<u>47,079</u>	<u>50,823</u>	<u>87,080</u>	<u>84,947</u>	<u>101,227</u>	<u>92,150</u>	<u>235,386</u>	<u>227,920</u>

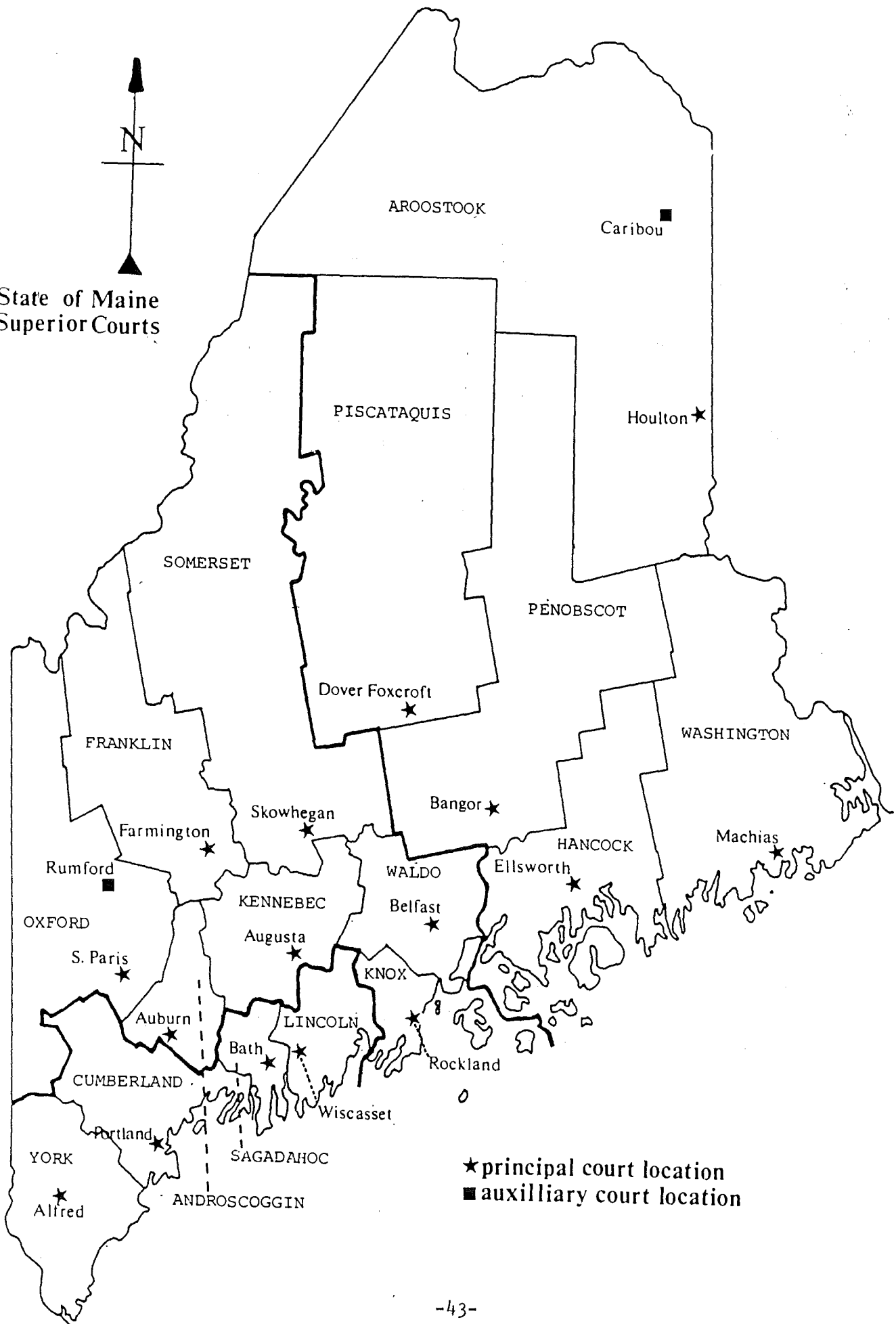
(a) Fort Kent and Van Buren do not handle civil cases.

## **Appendix II**

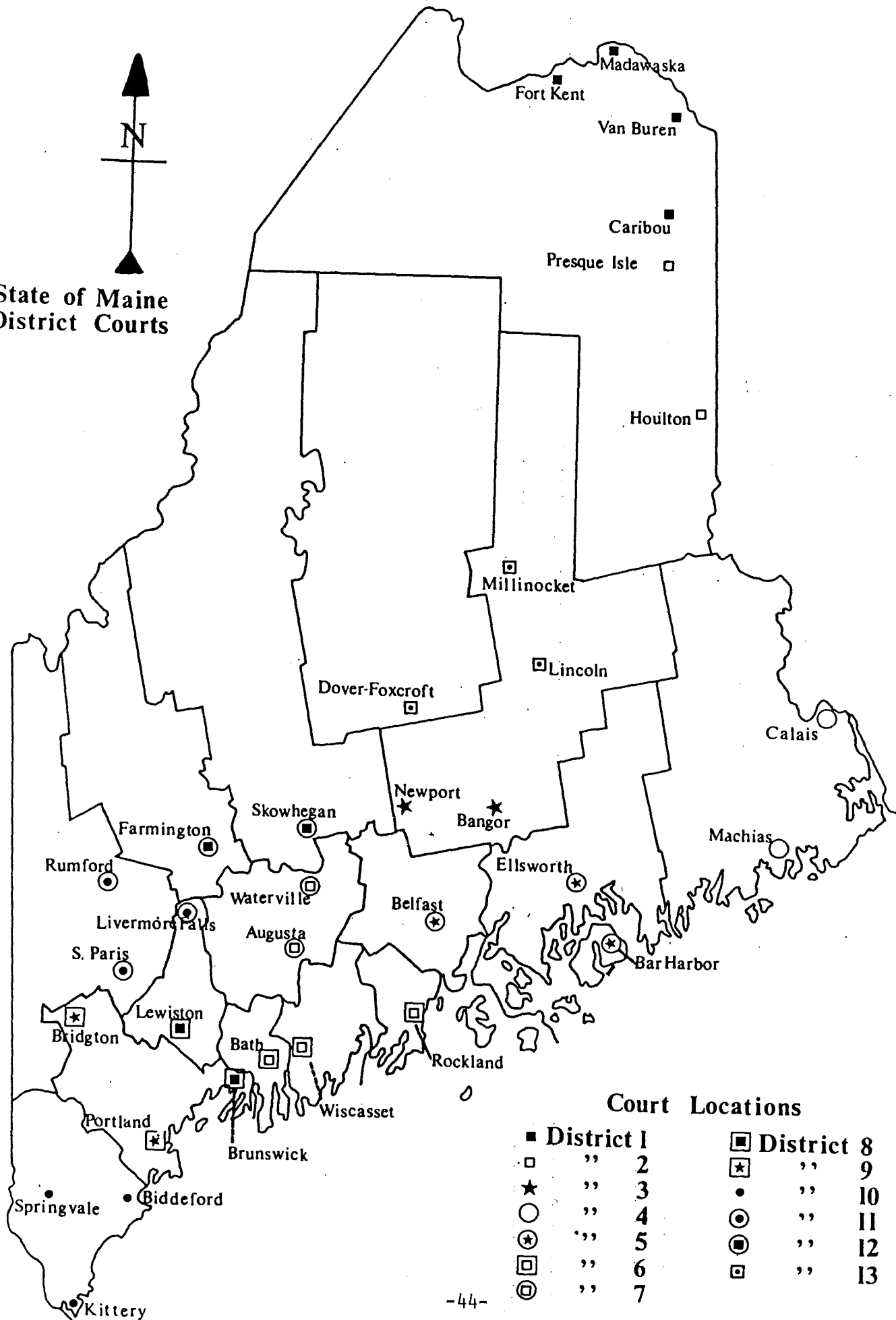
# **Trial Court Locations**



State of Maine  
Superior Courts



State of Maine  
District Courts



Court Locations

■	District 1	■	District 8
□	" 2	★	" 9
★	" 3	●	" 10
○	" 4	⊙	" 11
⊙★	" 5	⊠	" 12
⊠	" 6	□	" 13
⊙	" 7		

**Appendix III**

**Court Personnel**



1 9 8 3

M A I N E   S U P R E M E   J U D I C I A L   C O U R T

J U S T I C E S

Hon. Vincent L. McKusick, Chief Justice

Hon. Edward S. Godfrey (retired 9/1/83)

Hon. David A. Nichols

Hon. David G. Roberts

Hon. Gene Carter (resigned 7/5/83)

Hon. Elmer H. Violette

Hon. Daniel E. Wathen

Hon. Caroline D. Glassman (qualified 8/30/83)

Hon. Louis Scolnik (qualified 9/7/83)

Active Retired: Hon. Armand A. Dufresne, Jr.

Active Retired: Hon. Thomas E. Delahanty

Active Retired: Hon. James P. Archibald

C L E R K   O F   T H E   L A W   C O U R T

Executive Clerk of the Supreme Judicial Court  
Reporter of Decisions

James C. Chute



1983

MAINE SUPERIOR COURT

JUSTICES

\*Hon. Robert W. Clifford, Chief Justice

Hon. William E. McCarthy

\*Hon. Ian MacInnes (retired 10/1/83)

Hon. Sumner J. Goffin

Hon. Robert L. Browne

\*Hon. Louis Scolnik (qualified for Supreme Judicial Court 9/7/83)

Hon. Stephen L. Perkins

Hon. Herbert T. Silsby, II

\*Hon. William E. McKinley

Hon. Donald G. Alexander

Hon. Jessie H. Briggs

Hon. Morton A. Brody

Hon. Carl O. Bradford

Hon. William S. Brodrick

Hon. Thomas E. Delahanty, II

C L E R K S

Androscoggin	Lucille Lepitre
Aroostook	Robert Rush
Cumberland	Margaret LaGassey
Franklin	Lynda Haskell
Hancock	Edda Church (resigned 12/12/83)
	Rosemary Merchant (appointed 12/12/83)
Kennebec	P. Valerie Page
Knox	Susan Simmons
Lincoln	George Cowan
Oxford	Donna Howe
Penobscot	Madolyn Upton
Piscataquis	Rosemary Merchant (resigned 12/12/83)
	Sandra Welch (appointed 12/19/83)
Sagadahoc	George Cowan
Somerset	Esther Waters
Waldo	Joyce Page
Washington	Marilyn Braley
York	Richard Neault

\*-The regional administrative system, under which Justices Scolnik, MacInnes and McKinley served as regional presiding justices during 1983, was abolished and replaced with the creation of a single Superior Court chief justice position, effective January 1, 1984.

-The vacancies resulting from Justice MacInnes' retirement and Justice Scolnik's elevation were filled for the rest of 1983 by Justice Clifford.

1983

MAINE DISTRICT COURT

<u>JUDGES</u>	<u>COURT LOCATIONS</u>	<u>CLERKS</u>
Hon. Bernard M. Devine, Chief Judge		
<u>DISTRICT I:</u> Hon. Paul T. Pierson	Caribou Fort Kent Madawaska Van Buren	Norma Duheme Geneva Desjardins Norma Gerard Carmen Cyr
<u>DISTRICT II:</u> Hon. Julian W. Turner	Houlton  Presque Isle	Freda Carson (retired 12/31/83) Joan Burton (appointed 12/17/83) Bonnie Clayton
<u>DISTRICT III:</u> Hon. F. Davis Clark Hon. Eugene W. Beaulieu	Bangor Newport	Thelma Holmes Jane Sawyer
<u>DISTRICT IV:</u> Hon. Earl J. Wahl	Calais Machias	Elsie McGarrigle Annie H. Hanscom
<u>DISTRICT V:</u> Hon. Jack O. Smith	Bar Harbor Belfast Ellsworth	Arlene Jordan Donna Bonney Margaret Dorr
<u>DISTRICT VI:</u> Hon. Alan C. Pease, Deputy Chief Judge	Bath Rockland Wiscasset	Ann Feeney Mary Ledger Barbara Cowan (retired 8/5/83) Lucy Russell (appointed 8/5/83)
<u>DISTRICT VII:</u> Hon. Courtland D. Perry, II	Augusta Waterville	Mary Godbout June L'Heureux
<u>DISTRICT VIII:</u> Hon. L. Damon Scales, Jr.	Brunswick Lewiston	Susan Arnold Yvette Houle
<u>DISTRICT IX:</u> Hon. Robert W. Donovan	Bridgton Portland	Beverly MacKerron Susan MacDonald
<u>DISTRICT X:</u> Hon. Roland A. Cole	Bladeford Kittery  Springvale	Vivian Hickey Patricia Beatty (resigned 4/1/83) Beryl Hill (appointed 4/4/83) Alice Monroe
<u>DISTRICT XI:</u> Hon. John L. Batherson	Livermore Falls Rumford South Paris	Dolores Richards Eleanor Marsanskis (Sclaraffa) Joan Millett
<u>DISTRICT XII:</u> Hon. John W. Benoit, Jr.	Farmington Skowhegan	Constance Small Sandra Carroll
<u>DISTRICT XIII:</u> Hon. Susan W. Calkins	Dover-Foxcroft Lincoln Millinocket	Margaret Poulin Ann Coolong Nancy Turmel
<u>AT-LARGE:</u> Hon. Harriet P. Henry Hon. Ronald L. Kellam Hon. Millard E. Emanuelson Hon. G. Arthur Brennan Hon. Ronald D. Russell		
<u>ACTIVE-RETIRED:</u> Hon. Roland J. Poulin Hon. Paul A. MacDonald Hon. Israel Alpren Hon. Edwin R. Smith Hon. Arthur A. Nadeau, Jr. Hon. Simon Spill		

1983

MAINE ADMINISTRATIVE COURT

JUDGES

Hon. Edward W. Rogers

Hon. Dana A. Cleaves

CLERK

Diane Nadeau